

SEVENTY-FIFTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
May 26, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bill Introduced.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Holbrook:

S. B. No. 573, A bill to be entitled "An Act to aid the City of Palacios, Texas, situated in Commissioners Precinct No. 3 of Matagorda County, Texas, in constructing and maintaining sea walls, breakwaters and shore protection in order to protect said city from calamitous overflows, by donating to it eight ninths (8/9ths) of ad valorem taxes collected on all property, both real and personal, in Commissioners Precinct No. 3 of Matagorda County, Texas, for a period of twenty years, providing a penalty for misapplication of the monies thus donated, and declaring an emergency."

Read and referred to Committee on State Affairs.

Senator Excused.

Senator Redditt was excused for the day on account of work on free conference committee, on motion of Senator Woodul.

Free Conference Report.

Senator Fellbaum sent up the following free conference committee report:

Committee Room,
Austin, Texas May 23, 1933.
Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred

H. B. No. 442, A bill to be entitled "An Act creating a central mailing bureau; providing for the control of such bureau by the State Board

of Control; designating the duties and purposes of such bureau; making an appropriation for the expenses of operation and for the purchase of necessary equipment to establish and maintain said bureau for a period of six (6) months; providing all mail of the State Departments located in the State Capitol, the State Office Building, the State Highway Department Office Building and the Courthouse State Office Building in Austin shall pass through said bureau; providing for the personnel of such bureau; providing for bonds for personnel of such bureau; providing an appropriation for a revolving fund; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and we recommend to the Senate and to the House of Representatives that the Senate amendment be withdrawn and that the original House Bill be passed.

FELLBAUM,
PARR,
STONE,

On the part of the Senate.

KAYTON,
LOTIEF,
JAMES,
PURYEAR,
SCARBROUGH,

On the part of the House.

The report was read.

The roll call showed no quorum present.

Senator Purl moved a call of the Senate for the purpose of obtaining and maintaining a quorum until 12 o'clock noon today. The motion prevailed.

The roll call showed the following present:

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent.

Duggan.	Martin.
Greer.	Parr.
Hopkins.	

Absent—Excused.

Cousins. Small.
Redditt.

The report was adopted by the following vote:

Yeas—18.

Beck.	Pace.
Duggan.	Patton.
Fellbaum.	Purl.
Hornsby.	Rawlings.
Martin.	Regan.
Moore.	Russek.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodward.

Nays—6.

Blackert.	Holbrook.
Collie.	Poage.
DeBerry.	Sanderford.

Absent.

Greer.	Parr.
Hopkins.	Woodul.

Absent—Excused.

Cousins. Small.
Redditt.

Senator Purl moved to reconsider the vote by which the report was adopted and spread the motion on the Journal.

Senate Bill No. 91.

The Chair laid before the Senate as special order, the following bill:

By Senator Woodul:

S. B. No. 91, A bill to be entitled "An Act to amend Article 7084, Chapter 3, Title 122 of the Revised Civil Statutes of Texas, 1925, relating to franchise tax of corporations, so that hereafter said Article shall not apply to any bonds and notes of any corporation, which are secured by a lien upon real estate in the State of Texas."

Read second time.

On motion of Senator Woodul, the bill was laid on the table subject to call.

Senate Bill No. 353.

The Chair laid before the Senate as special order, S. B. No. 353.

On motion of Senator Patton, the bill was laid on the table subject to call.

Motion to Reconsider.

On motion of Senator Duggan, the vote by which the free conference report on H. B. No. 94 was adopted was reconsidered.

On motion of Senator Duggan the report was re-committed to the Free Conference Committee.

Motion to Concur.

On motion of Senator Regan, the Senate concurred in the two House amendments to S. B. No. 542 by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Cousins. Small.
Redditt.

Senate Bill No. 286.

The Chair laid before the Senate as special order, the following bill:

By Senators Moore and Purl:

S. B. No. 286, A bill to be entitled "An Act making it an offense punishable by removal, for any officer, employee, member or members of any board of regents, board of managers, president, dean or other officer or employee of any State educational institution or penal or eleemosynary institution, or any State department executive, chief or other employee, to increase the personnel of or to increase the compensation of any employee, officer, agent or representative out of local, special emergency, deficiency or other funds of whatever kind or character coming into possession of any State educational institution, State eleemosynary institution or State department, bureau, commission or other State agency in excess of the amount spe-

cified and appropriated biennially, etc., and declaring an emergency."

Read second time.

On motion of Senator Purl, the bill was laid on the table subject to call.

Senate Bill No. 267.

The Chair laid before the Senate as special order, S. B. No. 267.

On motion of Senator Fellbaum, the bill was laid on the table subject to call.

Senate Bill No. 370.

Senator Woodul called up from the table the following bill:

By Senator Patton:

S. B. No. 370, A bill to be entitled "An Act to promote public health, safety, morals and general welfare by providing for the construction and supervision of safe and sanitary housing for families of low income, and for the sale or rental thereof on reasonable terms; authorizing the incorporation of limited dividend housing companies and prescribing the powers, rights and duties thereof; creating a State Board of Housing for the purpose of encouraging, approving, assisting, supervising and regulating such activities, prescribing and defining the powers and duties of the Board, including supervisory and regulatory powers over limited dividend housing companies engaged in such activities, authorizing the Board to fix within certain limits the rentals or purchase price of housing accommodations furnished by limited dividend housing companies."

The pending amendment by Senator Woodul was adopted.

Senator Woodul sent up the following amendment:

Amend S. B. No. 370, page 4, line 34, by striking out all after the last word in line 34, down to and including line 51.

WOODUL.

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—16.

Beck.	Hornsby.
DeBerry.	Martin.
Fellbaum.	Neal.
Hopkins.	Pace.

Parr.	Sanderford.
Patton.	Stone.
Purl.	Woodul.
Russek.	Woodward.

Nays—9.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Rawlings.
Holbrook.	Woodruff.
Murphy.	

Absent.

Moore.	Regan.
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Absent—Excused.

Cousins.	Redditt.
Duggan.	Small.
Greer.	

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 370 was put on its third reading and final passage by the following vote:

Nays—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—16.

Duggan.	Patton.
Fellbaum.	Purl.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Neal.	Stone.
Pace.	Woodul.
Parr.	Woodward.

Nays—9.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Rawlings.
Holbrook.	Woodruff.
Murphy.	

Absent.

Beck.	Moore.
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Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

S. B. No. 52.	S. B. No. 203.
S. B. No. 560.	S. C. R. No. 78.
S. B. No. 14.	H. B. No. 911.
S. B. No. 566.	H. C. R. No. 103.
S. B. No. 542.	

Message from the House.

Hall of the House of Representatives,
Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 101, Endorsing Dr. John Ashton of Mercedes, Texas, for the post of Permanent American Delegate to the International Institute of Agriculture, at Rome, Italy.

H. C. R. No. 103, Directing the Enrolling Clerk of the House to amend the caption of H. B. No. 911 to conform to the body of the bill.

S. C. R. No. 78, Directing the Enrolling Clerk of the Senate to make corrections in S. B. No. 203.

The House has refused to pass to engrossment by striking out the enacting clause by a vote of 79 yeas and 53 nays:

S. B. No. 24, A bill to be entitled "An Act to repeal Chapter 97, S. B. No. 18, Acts of the Regular Session of the Forty-first Legislature; and declaring an emergency."

The House has refused to pass to engrossment the following bills:

H. B. No. 665, A bill to be entitled "An Act to amend Article 1855, of

the Revised Civil Statutes, 1925, so as to require Courts of Civil Appeals to certify to the Supreme Court for its decision any question of law involved in a case of which the Supreme Court cannot take jurisdiction by writ of error, and which is important to the jurisprudence of the State, and has not been previously decided by the Supreme Court; and declaring an emergency."

H. B. No. 582, A bill to be entitled "An Act to amend Title 1, Article 52-159, Section 10, of the Code of Criminal Procedure of the State of Texas, 1925, as amended by the Acts of the Forty-first Legislature, First Called Session, Chapter 27, page 61; fixing the salary of the judge of the County Criminal Court of Dallas County, and prescribing the duties of such judge; and declaring an emergency."

H. B. No. 583, A bill to be entitled "An Act to amend Title 41, Chapter 5, Article 1970-6; and Article 1970, of the Revised Civil Statutes of the State of Texas, 1925, as amended by an Act of the Forty-first Legislature, First Called Session, Chapter 26, Section 1, said Article being now known as Article 1970-31; and repealing Article 1970-21; fixing the term of office, qualifications, and salaries of the judges of the County Court of Dallas County at Law Nos. 1 and 2; and prescribing the duties of said judges; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. C. R. No. 80.

Senator Woodul sent up the following resolution:

Whereas, The Department of Agriculture is conducting a division to be known as "Cooperative Dam Building," and many of the dams built through the efforts of this Division are providing lakes adjacent to highways and suitable for recess parks which provide camping facilities and recreation features for our people while traveling on our highways, and

Whereas, The State Highway Department has at this time a quantity of tools, certain equipment and also has from time to time an accumulation of steel secured through

the discarding of worn-out equipment and the dismantling of worn-out bridges, etc., which material, tools and equipment are suitable for the purpose of building low water dams, therefore be it

Resolved by the Senate of Texas, the House concurring, That the Highway Department be requested and it is hereby authorized to furnish to the Department of Agriculture for its cooperative dam building whatever quantities, as may be needed by the Division of Cooperative Dam Building of the Department of Agriculture, of tools, equipment, and steel as are not otherwise needed for highway construction, upon such agreement and receipts as are agreeable to the respective departments.

WOODUL.

The resolution was read.

Senator Woodul moved to suspend the rule requiring resolutions to be referred to a committee before consideration. The motion prevailed by the following vote:

Yeas—25.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

Holbrook.

Present—Not Voting.

DeBerry.

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

The resolution was adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

S. B. No. 259, A bill to be entitled "An Act authorizing the governing boards of the Agricultural and Mechanical College of Texas, including the State Agricultural Experiment Station System, and the Extension Service and Rodent Control Service, North Texas Agricultural College, John Tarleton Agricultural College, Prairie View State Normal and Industrial College, University of Texas, including all branches of the University and the College of Mines and Metallurgy at El Paso, College of Industrial Arts, Texas College of Arts and Industries, Texas Technological College, East Texas State Teachers College at Commerce, North Texas State Teachers College at Denton, Sam Houston State Teachers College at Huntsville, Stephen F. Austin State Teachers College at Nacogdoches, Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine, and the West Texas State Teachers College at Canyon, to retain control of fees and other local institutional income collected at said schools; defining such fees and local institutional income; providing for depository banks, where said funds shall be deposited; providing for security for such deposits and the manner of making such deposits; providing for interest on said deposits; providing for terms of surety bonds furnished to secure such deposits and fixing the venue of suits to recover thereon; providing for separate accounts, showing the source of local fees collected and the purposes for which expended; providing for the handling of trust funds by said schools; providing for the printing of biennial reports showing all receipts and expenditures and for furnishing of said reports to certain State officers and members of certain committees of the Legislature; providing that the provisions of this Act shall not apply to income from the University Permanent Fund, from inspection tax on feeding stuffs and income from State forestry lands, or other income from inspection fees or service charges derived from the carrying out of governmental functions not educational in nature; providing for appropriation for said

funds by the Legislature; providing penalties for violation of this Act; providing that if any part of this Act be held unconstitutional, said holdings shall not affect the validity of the remainder of the Act, and declaring an emergency."

(With amendments.)

S. B. No. 566, A bill to be entitled "An Act to amend Sections 1, 2, and 6, Chapter 148 of the General Laws passed by the Forty-second Legislature at its Regular Session in 1931, relating to the authority of counties and incorporated cities and the Texas State Parks Board, separately, or in cooperation with each other, to acquire by gift or purchase land for public parks; providing that lands to be acquired by any such city to be used for public parks and play grounds, may be situated within or without its corporate limits, in the discretion of the governing body thereof, but within the county in which such city is situated; authorizing the issuance of bonds by any such city for park purposes; adding to said Chapter 148 a new section to be called Section 2-a, legalizing, approving and validating bonds voted by any city or town for the purpose of purchasing and improving lands for a public park in and for said city or town, and the levy of the tax in payment of such bonds under authority of Chapter 148 of the General Laws passed at the Regular Session of the Forty-second Legislature; and which bonds have been approved by the Attorney General and registered by the Comptroller; authorizing the governing body of any such city or town to adopt all orders, resolutions and ordinances and to do all other and further acts necessary in the issuance or sale of such bonds; authorizing such governing body to levy a direct general ad valorem tax on all taxable property in said city or town for the purpose of paying the interest on and principal of such bonds; prescribing the maximum tax that may be levied in payment of bonds issued by cities and towns for park purposes; providing that nothing herein shall be construed as a repeal of any special charter, but that the provisions hereof shall be cumulative of any such special charter; repealing all provisions of the general statutes in

conflict herewith, and particularly repealing H. B. No. 104, passed at the present session of this Legislature, and which was approved and effective on April 17, 1933; declaring the legislative intent in respect of the enactment of said Chapter 148 of the General Laws of the Forty-second Legislature, Regular Session; enacting provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 283.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Holbrook (by request):

S. B. No. 283, A bill to be entitled "An Act to amend Sections 2 and 3-a of an Act passed by the Legislature of Texas February 26, 1929, H. B. No. 153, relating to title insurance business and the capital stock of corporations doing such business, and to prohibit such corporations guaranteeing mortgages, and declaring an emergency."

Read second time.

The committee substitute was adopted.

The bill was passed to engrossment by the following vote:

Yeas—12.

Beck.	Pace.
Blackert.	Parr.
Holbrook.	Patton.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Woodul.

Nays—11.

Collie.	Purl.
DeBerry.	Rawlings.
Duggan.	Regan.
Fellbaum.	Stone.
Oneal.	Woodruff.
Poage.	

Present—Not Voting.

Woodward.

Absent. .

Hopkins.

Neal.

Martin.

Absent—Excused.

Cousins. Small.
Greer. Redditt.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 283 was put on its third reading and final passage by the following vote:

Yeas—19.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Duggan.	Purl.
Fellbaum.	Russek.
Holbrook.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	

Nays—3.

DeBerry.	Rawlings.
Poage.	.

Absent.

Hopkins.	Regan.
Martin.	Woodward.
Neal.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—12.

Beck.	Moore.
Blackert.	Pace.
Fellbaum.	Parr.
Holbrook.	Patton.
Hopkins.	Russek.
Hornsby.	Sanderford.

Nays—11.

Collie.	Purl.
DeBerry.	Rawlings.
Duggan.	Regan.
Murphy.	Stone.
Oneal.	Woodruff.
Poage.	

Absent.

Martin.	Woodul.
Neal.	Woodward.

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Conferees Appointed.

The Chair announced the appointment of the following Senate conferees on H. B. No. 923:

Woodward, Parr, Regan, Martin, and Woodul.

H. C. R. No. 103.

The Chair laid before the Senate: H. C. R. No. 103, Authorizing correction of H. B. No. 911.

Read and adopted.

Senate Bill No. 161.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Poage:

S. B. No. 161, A bill to be entitled "An Act amending Article 8309 of the Revised Civil Statutes of Texas of 1925, by adding a new section following Section 2 of such Article, to be numbered Section 2a, of such Article 8309; providing that any employer permitted to become a subscriber under Title 130 of the Revised Civil Statutes of Texas who will agree to conform to the rules of the Industrial Accident Board and who may be of sufficient financial ability to render certain the payment of the damages and compensation provided for in part I of said title, and who does not desire to insure the payment of such damages and compensation or to indemnify himself against loss sustained by the direct payment thereof, may upon a finding of the existence of such financial standing by the Board of Insurance Commissioners of the State of Texas, elect to pay such damages and compensation direct, and shall be granted a certificate creating him a subscriber under said Title 130, provided each such employer shall first either deposit with the State Treasurer the sum of \$50,000.00 in cash or in the same nature of securities as are required by law to be deposited by casualty companies created under the General Laws of this State as a prerequisite to their doing business in this State or enter into a bond and obligation in favor of the State Treasurer in the sum of \$50,000.00, to be approved by and in such form as said Board of Insurance Commissioners may direct,

such deposit or such bond and obligation to be held by the State Treasurer to secure the payment by such employer of the damages and compensation provided for in said Title 130; and further providing that the State Treasurer is authorized and directed to receive such deposits and such bonds and obligations; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 161 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Nays—1.

Rawlings.

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

S. C. R. No. 77.

Senator Hornsby called up from the table:

S. C. R. No. 77, Transferring \$5,500 from the appropriation for the audit of oil royalties to the State Auditor's office for general expenses of that office.

Read and adopted.

Senate Bill No. 512.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Hornsby:

S. B. No. 512, A bill to be entitled "An Act prohibiting any person from manufacturing, selling, offering for sale, delivering for sale, consigning for sale or having in his possession with intent to sell any article of bedding and properly labeled, defining terms, prescribing penalty and declaring an emergency."

Read second time and failed to pass to engrossment by the following vote:

Yeas—11.

Beck.	Moore.
Blackert.	Parr.
Collie.	Russek.
Fellbaum.	Sanderford.
Hopkins.	Woodul.
Hornsby.	

Nays—11.

DeBerry.	Rawlings.
Martin.	Regan.
Murphy.	Stone.
Pace.	Woodruff.
Poage.	Woodward.
Purl.	

Absent.

Duggan.	Oneal.
Holbrook.	Patton.
Neal.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Senate Bill No. 354.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Fellbaum:

S. B. No. 354, A bill to be entitled

"An Act amending Title 12 of the Revised Criminal Statutes of Texas of 1925, of the Penal Code, by adding immediately after Article 698 a new section to be known as Article 698A, said new section prohibiting the construction or maintenance of cesspools, ditches or excavations of any character, used as or intended for use as receptacles for impure matter, within incorporated cities, or within a radius of ten miles around any such city; providing that cesspools, ditches or excavations less than ten feet deep be excepted; providing a punishment for violation of this Act; and defining who may be punished in case of violation of this Act by partnership, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Fellbaum the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 354 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Martin.
Blackert.	Moore.
Collie.	Neal.
DeBerry.	Pace.
Duggan.	Parr.
Fellbaum.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.

Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.
Stone.	

Nays—1.

Murphy.

Present—Not Voting.

Oneal.

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Recess.

On motion of Senator Russek, the Senate, at 12:03 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 919.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 919, A bill to be entitled "An Act making appropriations to pay miscellaneous claims, and authorizing payment of said miscellaneous claims, on taking effect of this Act; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee substitute was adopted.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 919 was put on its second reading by the following vote:

Yeas—27.

Beck.	Hopkins.
Blackert.	Hornsby.
Collie.	Martin.
DeBerry.	Moore.
Duggan.	Murphy.
Fellbaum.	Neal.
Holbrook.	Oneal.

Pace.	Russek.
Parr.	Sanderford.
Patton.	Stone.
Poage.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.
Regan.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 919 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Holbrook.	Rawlings.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

DeBerry.

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Senate Bill No. 111.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Duggan:

S. B. No. 111, A bill to be entitled "An Act amending Article 2270, Chapter 12 of Title 42 of the 1925 Revised Civil Statutes of Texas, relating to the giving of supersedeas bonds, and providing that in lieu thereof the court may permit deposits of money from time to time with the registry of the court sufficient to discharge such judgment, interest and costs; repealing all laws in conflict therewith and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Duggan the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 111 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Holbrook.
Blackert.	Hopkins.
Collie.	Hornsby.
Duggan.	Martin.
Fellbaum.	Moore.

Murphy.	Poage.
Neal.	Rawlings.
Oneal.	Regan.
Pace.	Russek.
Parr.	Stone.
Patton.	Woodward.

Nays—5.

DeBerry.	Woodruff.
Purl.	Woodul.
Sanderford.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Free Conference Report.

Senator Parr sent up the following Free Conference Committee report:

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two Houses in respect to H. B. No. 923, have duly adjusted the differences between the two Houses, and beg to report the bill back to the respective Houses with the recommendation that the bill be adopted as amended by the Senate in lieu of the bill as finally passed by the House with the following amendments, to-wit:

That the said Senate amendment to H. B. No. 923 be amended as follows:

1. By adding after the words "boat house" in the second sentence of Section 1 the following:

"and dams and dykes and spillways with roads and bridges thereon or thereover for the purpose of creating a fresh water supply for domestic, irrigation and other purposes within such navigation district, or within the county or counties adjacent to such fresh water basin."

2. By adding after the word "such" in the fourth line in Section 4 the following:

"dams, dykes and spillways with roads and bridges thereon and thereover."

3. By adding after the word "such" in the 4th line in Section 5 the following:

"dams, dykes and spillways with roads and bridges thereon and thereover."

4. That the caption of H. B. No. 923 as amended by the Senate be amended as follows:

By adding after the word "within," at the beginning of line 28 of said caption the following words, to-wit: "and without."

5. That the caption of H. B. No. 923 as amended by the Senate be amended as follows:

By adding after the word "thereon" in line 24 of said Senate amendment the following words, to-wit: "and to build dams, dykes and spillways with roads and bridges thereon and thereover."

WOODWARD,
PARR,
REGAN,
WOODUL,
MARTIN.

On part of the Senate.

POPE,
LOTIEF,
MORSE,
HEAD,
COLSON.

On part of the House.

Read and adopted by the following vote:

Yeas—24.

Beck.	Pace.
Blackert.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Holbrook.	Purl.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—2.

Collie.	Rawlings.
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Present—Not Voting.

DeBerry.

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

House Bill No. 311.

Senator Hopkins called up from the table the following bill:

By Mr. Kyle of Hays:

H. B. No. 311, A bill to be entitled "An Act amending Article 6673, Chapter 1, of Title 116, of the Revised Civil Statutes of Texas, and providing for the control of State Highways of Texas, and providing that no change in the routing of highways already designated within towns and cities of more than three hundred fifty (350) population, shall be changed without the consent of the commissioners court of the county wherein said town or city is situated; providing nothing in this Act shall prevent the re-routing of a State highway through a town to avoid railroad crossings, provided the commissioners court may require the old routing upon paying one-half the cost of necessary underpasses, and declaring an emergency."

Senator Rawlings sent up the following amendment:

Amend H. B. No. 311 so that the provision of the bill shall not apply to highways already designated.

RAWLINGS.

The amendment was read.

Senator Hopkins moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Blackert.	Parr.
Hopkins.	Patton.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Woodward.

Nays—13.

Beck.	Pace.
Collie.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Regan.
Holbrook.	Woodruff.
Murphy.	Woodul.
Oneal.	

Absent.

Duggan.	Poage.
Neal.	Stone.

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

The amendment was lost by the following vote:

Yeas—11.

Beck.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Regan.
Holbrook.	Woodruff.
Oneal.	Woodul.
Pace.	

Nays—13.

Blackert.	Murphy.
Collie.	Parr.
Duggan.	Patton.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Woodward.
Moore.	

Absent.

Neal.	Stone.
Poage.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Senator Rawlings sent up the following amendment:

Amend H. B. No. 311 by striking out the words "one-half of" in Section 1.

RAWLINGS.

The amendment was read.

Senator Hopkins moved to table the amendment. The motion prevailed by the following vote:

Yeas—13.

Blackert.	Parr.
Collie.	Patton.
Duggan.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Woodward.
Murphy.	

Nays—10.

DeBerry.	Poage.
Fellbaum.	Purl.
Holbrook.	Rawlings.
Oneal.	Woodruff.
Pace.	Woodul.

Absent.

Beck.	Neal.
Martin.	Stone.

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

The bill failed to pass to engrossment by the following vote:

Yeas—10.

Blackert.	Parr.
Duggan.	Patton.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Woodward.

Nays—13.

Beck.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Regan.
Holbrook.	Woodruff.
Oneal.	Woodul.
Pace.	

Absent.

Stone.	Neal.
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Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

(Pair Recorded.)

Senator Murphy (present) who would vote nay, with Senator Martin (absent) who would vote yea.

Senate Bill No. 565.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Regan:

S. B. No. 565, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State, in all counties having an area of not more than three thousand eight hundred (3,800) square miles and not less than three thousand six hundred (3,600) square miles and a population of not less than nine thousand and eight hundred (9,800) and not more than twelve thousand, according to the 1930 Federal census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of independent and common school districts; create additional districts; consolidate two or more adjacent districts; subdivide any districts, revise or rearrange the boundaries of any district; attach territory thereto or detach territory

therefrom and to adjust the district properties and bonded indebtedness against such districts and detach or add territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the county board of school trustees; providing other matters and things necessary and incidental to the main purpose and subject to this Act, whether mentioned in detail in this caption or not; and repealing all laws, general or special, in conflict therewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 565 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.

Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.
Stone.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

House Bill No. 847.

The Chair laid before the Senate, by unanimous consent the following bill:

H. B. No. 847, A bill to be entitled "An Act making an appropriation of the sum of \$5,074.16 (five thousand seventy-four dollars and sixteen cents), or so much thereof as may be necessary, out of the County and Road District Highway Fund of the State of Texas, to pay the expenses incurred in the administration of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature and declaring an emergency."

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 847 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Collie.
Blackert.	DeBerry.

Duggan.	Patton.
Fellbaum.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Absent—Excused.

Cousins.	Redditt.
Greer.	Small.

Free Conference Report.

Senator Rawlings sent up the following free conference committee report to be printed in the Journal:

Committee Room,

Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conferees, heretofore appointed to adjust the differences between the two Houses on

H. B. No. 928, A bill to be entitled "An Act to make provisions for: (Section 1): To anticipate the submission and adoption of the proposed constitutional amendment to provide for the adoption of a home rule charter by any county in Texas upon a vote of the qualified resident electors of any county, all as proposed in the pending Senate Resolution No. 3. Reference to said proposed amendment to the Constitution in the exact form for submission to the electors of the State here is made to the same effect as though it were embodied herein. Further providing (Section 21 hereof) that, no county charter provision impairing the operation of the General Laws of the State relating to the judicial, tax, fiscal, educational, police, highway, and health systems of the State, or any department of the State's superior Government may have effect as against the State, etc."

Having considered the differences between the two Houses, and having reached an agreement, beg leave to report that the hereto attached completed bill is the bill which we recommend to be passed by both Houses.

We recommend the adoption of this report, and the final passage by both Houses of the bill attached hereto.

RAWLINGS,
REGAN,
STONE,
SANDERFORD,
DUGGAN,

On the part of the Senate.

SHANNON,
FORD,
MOFFETT,
BOURNE,
MORSE,

On the part of the House.

H. B. No. 928.

A BILL

To Be Entitled

An Act to make provision for : 1—(Section 1). To anticipate the submission and adoption of the proposed constitutional amendment to provide for the adoption of a home rule charter by any county in Texas, upon a vote of the qualified resident electors of certain counties, all as proposed in the pending Senate Joint Resolution No. 3. Reference to said proposed amendment to the Constitution in the exact form for submission to the electors of the State here is made, to the same effect as though it were embodied herein. Further providing (Section 21 hereof) that, no county charter provision impairing the operation of the General Laws of the State relating to the judicial, tax, fiscal, educational, police, highway and health systems of the State, or any department of the State's superior government may have effect as against the State. 2—(Section 2.) Making provision for calling conventions in each voting precinct in a county, for the selection of resident delegates to a county convention to be held for the selection of a charter drafting commission, to be composed of persons considered capable of drafting, or to give aid in drafting a charter deemed to conform to the will and needs of the qualified resident electors of the county, and to be subject to adoption or rejection by vote of the people of the county, under the express conditions of the proposed amendment and the procedural safeguards of this Act.

3—(Section 3). Fixing the qualifications of the signers of a petition for calling a county charter convention, the qualifications of persons who may participate in charter conventions and the qualifications of voters in a charter election. Also fixing the manner for publishing notice and of giving of written notice of various acts required hereby to be done, and prescribing the time for such notices. Also permitting the charter drafting commission to prescribe reasonable notice to its members concerning its meetings and acts. 4—(Section 4). Fixing the form of a petition for submission of a county charter proposal and prescribing the number and qualifications of signers thereof; providing for the filing thereof with the clerk of the commissioners court of the county, and defining his duties relating thereto. 5—(Section 5). Fixing the time for action by the court upon such petition, and requiring the court to enter its order on such petition, calling a convention in each voting precinct of the county, prescribing the time for holding such precinct conventions and defining their duties. Also providing for the designations of the day, hour, and place for holding each precinct convention. Also providing that the court's order shall fix the day, hour and place for holding the county charter convention; prescribing the limits of time within which precinct and county conventions must be held. 6—(Section 6). Prescribing the substantive form of the notice of the court's order calling the conventions (including the form of the credentials of delegates, and alternate delegates, from precinct conventions to county conventions and direction for the use of same), and requiring publication of such notice. 7—(Section 7). Specifying that precinct conventions shall be held and proceed for their business, all as fixed in the notice to be published by the commissioners court. 8—(Sections 8, 9 and 10). Prescribing the manner of organizing the county convention for business; its procedures after organization; its duty to fix the number of persons to serve as a charter drafting commissioner and

to select persons qualified to serve thereon. Providing for fifty-one (51) or more per centum of the total authorized members of the convention to constitute a quorum. Requiring that a journal of all proceedings be kept, showing all yea and nay ballots on each substantive question. Providing for recesses of the convention and notice of reassembling, but forbidding adjournment until its duties have been performed. Providing various procedural safeguards and requiring that service in the convention be without compensation. 9—(Section 11). (a) Prescribing the time for meeting and organization of the charter drafting commission; fixing its quorum for business and providing for filling vacancies thereon by the commissioners court. Authorizing the commission to adopt reasonable rules to control notice of its meetings and its procedures. (b) Providing that service on the commission be without compensation, but authorizing the commission to incur certain specified necessary expenses and limiting the same; prescribing how such expenses may be proved, certified and paid by the county. (c) Providing the time within which the commission must conclude its labors and requiring that the record of its proceedings and all pending written proposals be open to inspection by the public. (d) Providing for alternate and elective charter provisions to be written and submitted for choice by vote of the electors. Providing the commission's certificate of recommendation of adoption of the proposed charter drafted by it. (e) Providing that if the charter commission originally chosen fails to produce and certify a proposed charter within one hundred eighty (180) days next after its appointment it automatically shall be discharged, and a new charter commission chosen by the reassembled county convention, after procedures and notice for reassembling as by this Act provided. Providing for organization, procedure and the performance of duty of the substitute commission as provided for a defaulting commission. (f) Providing that the commission, upon certifi-

cation of preliminary recommendation of adoption of a charter, by its order shall fix not less than five (5) times and places in the county for public hearings on the charter as then proposed, and shall cause notice thereof, together with a complete certified copy of the proposed charter, to be published as prescribed in Section 3 of this Act. Fixing the time for such publications, the limit in time for such hearings, and providing the procedure for such hearings. Requiring that all qualified resident electors be heard at such hearings. Providing that, within ten (10) days after such hearings the commission shall make such revision of the proposed charter as by them may be deemed for the betterment thereof. 10—(Section 12). Fixing the time within which the commission shall prepare its report of a final recommendation for the adoption of the charter drafted by it. Requiring this report and request for the holding of a charter election, to be filed with the commissioners court of the county. Requiring the report to be accompanied by two true copies of the proposed charter and prescribing the form for such report and request. 11—(Section 13). (a) Prescribing the duties of the clerk of the court and the duties of the court with reference to such report. (b) Requiring the court by order to call a county charter election, and fixing the time therefor. (c) Providing that the election be conducted after such notice and as is or may be provided by the laws of Texas regulating General Elections, save as to those matters specifically provided in this Act, as being peculiarly appropriate to the subject matter of the Act. Providing for the printing of copies of the proposed charter and distribution of copies thereof in each voting precinct of the county; requiring that the charter, with alternate provisions, if any, be published in full in the published notice of election; providing for ballots and the proposition or proposals to be printed thereon, and prescribing the manner in which the choice of the electors shall be determined. Providing that no

proposal to consolidate or merge governmental functions of separate governmental agencies or bodies politic may be voted on at an election held for the original adoption of a charter; providing that a charter once adopted may make provision whereby such consolidations may be submitted to the voters of the county, as authorized by said proposed amendment to the Constitution. 12—(Section 14). Providing for canvass of the returns and declaration of the result to be performed by the commissioners court and the charter drafting commission sitting jointly as a board therefor, and providing for contest of such election as provided for contest of general elections, but requiring as a condition precedent to a judicial review that certain procedures be taken as specified in subdivisions (a), (b), (c), and (d) of Section 14 of this Act. Also providing that the findings of the joint board of review composed of the commissioners court and the charter commission be received in evidence in the court of jurisdiction of the contest, and that such findings shall constitute prima facie proof of the facts stated therein. 13—(Section 15). Providing (in conformity to the provisions of said amendment to the Constitution) that a proposed charter shall be adopted only upon a favoring constitutional majority of the votes cast in the election. Providing that if a proposal to adopt a charter is defeated, no other such proposal may be initiated at a time less than twelve (12) months. Providing that charters hereunder may contain provisions regulating the adoption of amendments thereto, but may not forbid amendments for a period to exceed two (2) years; also, providing that in the absence of such charter provision, a charter adopted hereunder may be amended at any time. 14—(Section 16). Providing that all charters adopted hereunder shall contain provisions for procedure for the abandonment thereof and return of the county to operate under the General Laws of the State, but requiring such proposals must be determined by a majority vote

of the electors of the county. 15—(Section 17). Providing the means whereby proponents of the adoption or amendment of a charter may advance money to pay the cost of procedure hereunder in case money therefor be not available to the county and providing means whereby they may be repaid such advances as and when money therefor may be available to the county. 16—(Section 20). Provided that if any provision of this Act is declared invalid or unconstitutional it shall not affect any other provisions of this Act. 17—(Section 21). And declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. This Act anticipates the adoption of an amendment to the Constitution of Texas as proposed by an Act of this Legislature, designated as S. J. R. No. 3, relating to home rule charters for counties and is enacted to create in the minds of the people certainty as to adequate safeguards to control the writing and adoption of such charters and to avoid delay in making effective the will of the people in case said amendment be adopted, as Section 3 of Article IX of the Constitution. In case of the rejection of said proposed amendment, this act instantly shall be without force or effect. At the instant of the adoption of said proposed amendment, all provisions of this Act shall be in full force and have controlling effect.

Sec. 2. This Act shall apply to any qualified county of Texas desiring to adopt a home rule charter under the powers, and within the limitations, expressed by Section 3 of Article IX of the Constitution of Texas; and, the people of any qualified county who may desire to move for the adoption of a county charter, under such constitutional provisions, shall proceed thereto by calling a convention in each voting precinct of the county for the purpose of choosing a delegate and an alternate delegate to a county-wide convention; which convention shall be charged with the duty to select a charter drafting commission to be composed of persons considered capable of drafting, or to give aid in drafting, a charter deemed to conform to the will and needs of the

qualified resident electors of the county; and, to be subject to rejection or adoption by vote of the people of the county; all to be done in keeping with the provisions of said amendment and under the procedural safeguards by this Act provided.

Sec. 3. All persons hereinafter referred to as the signers of petitions, as participating in precinct or county conventions and as voting in elections, to be held hereunder, shall be understood to mean resident qualified electors of the affected county. Where the publication of notice is required, unless otherwise provided as to a given case, such notice shall be given by publication in one or more newspapers, having general circulation in the county, at least one day in each of two (2) consecutive weeks, and to give not less than fourteen (14) days from the first day of such publication to the day of any proposed act to which such notice may relate, excluding the day of first publication and the day of the proposed act. The mailing of notice, as later in this Act may be required, unless otherwise provided as to a given case, shall be given by depositing in the United States mail written notice, appropriately addressed to the person or persons proper to have notice of a given matter, giving advice of the time and place at which any given proposed act is to be considered or done. Not less than two (2) nor more than ten (10) business days (to be exclusive of the day of the mailing of the notice and the day of a proposed act) may run between the mailing of such notice and any desired meeting for the performance of an act to be done hereunder, all as hereinafter will be required; provided, however, calls for meetings of the charter drafting commission (hereinafter provided for) shall be as established by it, as being reasonable, fitting and necessary.

Sec. 4. Proponents of the adoption of a county charter hereunder, subject to the further provisions of this section, may procure and present to the commissioners court of the county (hereinafter designated as the "court") one or more petitions, bearing the true date upon which the circulation thereof began, seeking the calling of precinct and county conventions (as hereinafter

provided for), and identical petitions signed by different qualified persons shall be considered as one petition. Only persons who are resident qualified voters of the county, owning real estate subject to the county's tax, may validly sign the petitions hereby provided for. The minimum number of signatures required upon such petitions shall be determined upon the county population basis, as given in the Federal census issued prior to the date of a given petition, and to be as follows: Counties of five thousand (5,000) population or under, one hundred (100); counties of five thousand and one (5,001) to ten thousand (10,000), two hundred (200); counties of ten thousand and one (10,001) to twenty-five thousand (25,000), three hundred (300); counties of twenty-five thousand and one (25,001) to seventy-five thousand (75,000), four hundred (400); counties of seventy-five thousand and one (75,001) to one hundred fifty thousand (150,000), five hundred (500); counties of one hundred fifty thousand and one (150,001) or more, six hundred (600). Any form of petition which indicates the desire to proceed for adoption of a home rule charter for the county (which hereinafter may be referred to as the "charter"), under said Section 3 of Article IX of the Constitution shall be sufficient. Upon the delivery of such petition it shall be the duty of the clerk of said court to mark the day of filing thereon, and thereafter, as soon as may be done, to record the same in the minutes of the court as a part of the order which the court must enter in compliance with the petition.

Sec. 5. At the first meeting of the court after the filing of any such petition, or at any time not to exceed ten (10) days after the filing of such a petition, it shall be the duty of the court to enter its order to execute said petition by calling a precinct charter convention (hereinafter provided for) in each voting precinct of the county, as defined and designated at the time any such petition may bear date, for the purpose of selecting one delegate and an alternate from each precinct to participate in a county convention (hereinafter provided for). The court's call shall fix the time for holding such precinct conventions, for a time not less than twenty (20)

days nor more than thirty (30) days after the date of the calling order, and shall fix the time for the holding of the county convention for a time not less than ten (10) days nor more than twenty (20) days after the time set for holding precinct conventions.

The call shall designate for each precinct a place therein for the holding of its convention and shall specify the time for opening such conventions at ten (10) o'clock of the morning. Such calls also shall specify a place in the county seat (preferably a designated room in the county courthouse) for the holding of the county convention, and shall designate an opening hour therefor not earlier than ten (10) o'clock of the morning and not later than two (2) o'clock of the afternoon.

Sec. 6. The form of the call provided for in Section 5 hereof shall be in form substantially as follows:

STATE OF TEXAS }

County of _____ } NOTICE.
To Each Resident Qualified Elector
of This County:

Complying with a petition seeking the adoption of a county home rule charter, filed with the county commissioners court of this county on the _____ day of _____, 19____, we issue and publish this call for precinct conventions and a county convention to provide a commission to draft a proposed charter to be submitted to a vote of the qualified electors of this county. You respectively hereby are notified to be present at ten (10) o'clock in the morning on the _____ day of _____, 19____, at the place hereinafter designated for the county voting precinct in which you may reside, for the purpose of participating in a precinct convention for the election of one delegate and one alternate to represent your precinct in a county convention to be held in (name place, city or town and designate the place therein) and to convene at _____ o'clock _____ m., on the _____ day of _____, 19____.

In the precinct convention each qualified person present and participating (to exclude all persons who are not qualified voters residing in the precinct) shall be entitled to one vote each on each question pre-

sented, and all questions shall be determined by a majority of the vote cast. Organization shall be effected by choice of a temporary chairman and a temporary secretary, to be followed by selection of a permanent chairman and a permanent secretary. The procedure shall be under Robert's Rules of Order or other orderly procedure. All votes save those incident to organization shall be by written ballot. The convention by majority vote, will choose one delegate and one alternate to participate in the county convention, both of whom must reside in the county voting precinct to be represented by them. When the delegate and the alternate shall have been chosen, the chairman and the secretary of the convention, in the presence of the convention shall sign the credentials of the delegate and the alternate, both of whom shall countersign the credentials for identification, if required by the county convention. The credentials shall be sufficient if in form substantially as follows:

_____, 19____
To County Convention:

This certifies to you that _____
(whose post office address is _____), as delegate, and _____
(whose post office address is _____), as alternate, will be authorized to represent precinct No. _____ in your proceeding.

Chairman.

Secretary.

Countersigned:

Delegate.

Alternate Delegate.

The credentials so executed shall be placed in an envelope bearing the secretary's name written across the closed seal, and delivered by the delegate, or the alternate, to the temporary secretary of the county convention at the time of its convening. Whereupon, the persons so certified shall be entitled to represent your precinct in the county convention. The official county voting precinct numbers and the respective places for holding the several precinct conventions follow, viz.:

Precinct Number.
 (Here designate.)
 Place of Convention.
 (Here designate.)
 Commissioners Court of _____
 County, Texas.
 By _____
 County Judge.
 Attest: _____
 Clerk.
 (Seal.)

Said notice, as soon as may be done, shall be published as provided in Section 3 of this Act. No error in the form of the notice or the printing thereof which is not harmfully misleading, after the exercise of reasonable diligence to know the truth, shall invalidate the call for the conventions.

Sec. 7. The precinct conventions shall be held, organized and shall proceed to a conclusion as specified in the convention call written in Section 6 hereof.

Sec. 8. The county convention shall convene at the time and place designated in the call therefor (or other well-known adequate place, if it be not convenient to occupy the place originally designated), and shall proceed to temporary organization as provided for precinct conventions. The temporary chairman shall call for the presentation of credentials of delegates and their alternates, whereupon the temporary chairman and temporary secretary, in the presence of all persons present who may desire to supervise, shall open the credentials and shall prepare a written permanent roll of all persons shown by the credentials to be authorized to participate in the further proceedings of the convention. The convention shall then proceed to permanent organization by electing a permanent chairman and secretary. Upon the roll shall be noted those delegates (and alternates for absent delegates) who may be present for participation in the convention. Procedure shall be in accordance with Robert's Rules of Order. The presence at roll call for the opening session of the convention of fifty-one (51), or more, per centum of the total number of authorized delegates shall constitute a quorum for the conduct of business during such session and until

final adjournment and dissolution of the convention.

All questions shall be decided by a majority of the votes cast thereon. An alternate shall be permitted to participate in the proceedings of the convention only in the absence or non-participation of the delegate for whom such alternate was chosen. All votes shall be by written ballot bearing the voter's name and precinct number. The respective yeas and nays upon every question shall be recorded by name, in the presence of the convention, the result of each ballot shall be declared to the convention in an audible voice and shall be recorded in the convention's journal, in a manner showing each issue decided by each ballot taken. The convention may recess from time to time, but may not adjourn, until the work is ended; provided that, the time and place for resuming its session after a recess thereof shall be announced prior to such recess, or written notice of reassembly given as provided in Section 3 of this Act. The business of the convention shall be dispatched with all possible diligence, and no compensation or expense shall be allowed to any member of the convention.

Sec. 9. (a) When the convention shall have been organized, the members, by ballot shall determine whether the charter drafting commission (which hereinafter may be referred to as the "commission") to be chosen shall consist of three (3), five (5), seven (7), eleven (11), thirteen (13) or fifteen (15) members. This having been determined, the chairman of the convention, from the membership of the convention, shall appoint a nominating committee of five (5) persons, who shall retire and prepare a list, alphabetically arranged, of proposed members of the commission to be chosen, which list shall bear twice as many names of persons as there are to be members of the drafting commission, and regional representation may properly be made a consideration in the nominations. The persons to be named by the nominating committee may or may not be members of the convention, but they shall be persons deemed to have peculiar fitness for the drafting of,

or to aid in the drafting of, a charter to control the county government.

(b) When the nominating committee shall have reported, they shall be discharged and the secretary of the convention will furnish to each present member of the convention a true copy of the nominations, together with a ballot slip on which shall be written the number of names to be voted for. From the names nominated by the committee, each voting member of the convention shall select those nominated persons (equal in number to the membership of the drafting commission) preferred by the voting member for service on the commission, indicating the choice by crossing out the names of those nominated persons not preferred by the voter. There may be as many ballots as are required to obtain a majority vote for a number of nominees equal to the membership of the drafting commission. Those persons receiving, in consecutive order from high to low, the highest number of votes shall be elected for service: In case of a tie vote, balloting shall continue until the tie is broken. The results of each ballot shall be tallied and canvassed by the secretary in the presence of the convention and the result audibly declared. The drafting commission so chosen shall be given their written credentials, signed by the chairman and secretary of the convention. Written minutes of all proceedings of the convention shall be kept in a journal, audibly read in the presence of the convention, and if found without majority sustained objection, they shall be approved and signed by the chairman and the secretary of the convention (safely to be preserved for disposition as later in this Act is provided), and thereupon the convention shall be adjourned, subject to recall only as hereinafter is provided for.

Sec. 10. The county charter convention and the charter drafting commission each shall cause to be kept a daily journal correctly reflecting their respective proceedings, and showing the yea and nay votes on all substantive questions, which shall be adequately identified in the journals. These journals must be preserved as permanent records and filed as archives in the records of the admin-

istrative body of the county, as hereinafter provided for.

Sec. 11. (a) Within ten (10) days after their election, the drafting commission shall convene at some convenient time and place in the county seat, known in advance to all members of the commission, for organization, which shall be as for organization of a precinct convention. The commission may adopt all necessary reasonable rules to control notice of meetings and its procedure, save that, attendance of a majority of the commission's membership shall be required to constitute a quorum for business, and all questions shall be decided by a majority vote of those members in attendance. So long as there be not vacancies to destroy a lawful quorum of the commission, it lawfully may transact its business and perform its duties; however, in case of a vacancy of a membership either through inability or failure or refusal of a member to act, the commission may certify the vacancy to the commissioners' court, whereupon it shall become the duty of the court to fill the vacancy on the commission by a majority supported order entered of record in its minutes.

(b) The drafting commission shall be empowered to employ one clerk, who shall be a competent stenographer and who shall fill the office of secretary of the commission. The commission shall be authorized to make reasonable compensation to its secretary, but not, in any event, to exceed Six Dollars (\$6.00) per day of actual service, and ratably for a fraction of a day. The commission shall be authorized to incur all other reasonable expense, necessary to facilitate its work, but not in any event to exceed Three Dollars (\$3.00) per day (exclusive of the cost to publish notices, as required by this Act) for the full period from the first meeting day of the commission until it may have been discharged. The expenses so incurred, and the cost to publish the notices by this Act required, shall be paid under orders signed by the chairman and the secretary of the drafting commission, addressed to the commissioners' court of the county, and, if the vouchers accompanying such orders be found to support the same,

it shall be the duty of the court promptly to make payment thereof by warrants drawn on the county's general fund, whether budgeted therein, or not. No member of the drafting commission shall have compensation for service on the commission.

(c) The drafting commission shall diligently pursue its labors and at a time not less than sixty (60) days nor more than one hundred and eighty (180) days after their organization, they shall have prepared a complete proposed county charter. It shall be the duty of the secretary of the commission, at all reasonable times, to make available to any interested person the minutes of any prior meeting of the commission and any written proposals pending before the commission.

(d) In the preparation of the charter, any complete section thereof may be written in two (2) alternate and elective forms, for submission to a vote of the people. The proposed charter having been completed, there shall be written at the end thereof the words, "We hereby recommend the adoption of the foregoing proposed charter, subject to such later revisions as may grow out of our public hearings hereon," to be followed by the date of the certificate and the signatures of at least a majority of the drafting commission: Substantial compliance as to the form of the certificate shall be deemed sufficient.

(e) In case a charter drafting commission, from any cause whatever, fails to complete a proposed charter hereunder, within the time limit hereinbefore specified, such commission shall automatically expire, and, upon the written request of any ten (10) signers of the original petition for the adoption of a county charter, it shall be the duty of the county judge to reconvene the county convention by giving the written notice specified in Section 3 of this Act. The convention being reassembled shall proceed to the selection of a charter drafting commission of the number originally fixed, in the same manner as provided for selection of the membership of the defaulting commission. The substitute commission shall proceed in time and manner as provided for the

original commission. Further, in such case, the secretary of the defaulting commission shall safely keep all records of the prior commission and deliver the same to the substitute commission, or its secretary. This procedure to remedy default of a commission may be exercised as many times as may be necessary to procure the submission of a charter to the electorate.

(f) When a proposed charter has been completed and certified, the drafting commission, within ten (10) days shall cause the same to be published in full, in the manner provided in Section 3 of this Act. Said publication further shall provide for five (5) or more public hearings before the commission, the first of which must be not less than fourteen (14) days nor more than twenty (20) days after the first publication of the notice. The time and place of each proposed hearing shall be stated in the notice, and all of the same must be held within thirty (30) days after the date of the first hearing. At such hearings all qualified resident electors of the county may appear and be heard to express their views in an orderly manner, within Robert's Rules of Order, and such other reasonable limitations as the commission may adopt for the timely, efficient and orderly disposition of business. When said public hearings have been concluded, the commission, within ten (10) days, shall make such revision of the proposed charter as by them may be deemed for the betterment thereof.

Sec. 12. Within five (5) days after a proposed county charter finally has been approved for submission to the qualified electors of the county, it shall be the duty of the charter drafting commission to prepare its report announcing the conclusion of its labors and to make requisition for the holding of a charter election hereunder, which shall be addressed to the commissioners court of the county and filed with said court within said five (5) days. Such report and requisition in form shall be substantially as follows:

To the honorable commissioners court of _____ County, Texas:

We present herewith two (2) true and certified multiples of a proposed

charter to provide for the government of this county, as provided for by Section 3, of Article IX, of the Constitution of Texas. We also transmit to you the journals of proceedings of the county convention and of this charter drafting commission. By law, you are required to safely keep said proposed charter and said journals as permanent records, in the archives of the county, where they at all reasonable times shall be open to inspection by the public.

We hereby request that, and under the provisions of an Act of the Legislature of Texas to provide proceedings for adopting home rule charters for counties it now is required that, you by order (to be entered of record in your minutes, to which one copy of the proposed charter shall be attached as an exhibit, and as part thereof) will call an election submitting said proposed charter to a vote of the qualified resident electors of this county for adoption or rejection, as their votes may determine, under the provisions of said Section 3, of Article IX, of the constitution.

This we pray you to do in time, manner, form and after due execution of all appropriate formalities required by the applicable law.

Executed in _____, Texas, on this, the _____ day of _____, A. D. 19____, by the undersigned, who constitute a majority, or more, in number of the charter drafting commission of this county.

Substantial conformity to the foregoing form shall be deemed sufficient, and the same may be amended, as a matter of right, to cure any substantive defect therein.

Sec. 13. (a) In compliance with the notice and request provided for by Section 12 hereof, an appropriate order shall be entered by the court at a time within ten (10) days after said request is delivered to the court. Upon delivery of such request the clerk of the court shall endorse on the presented proposed charter and accompanying request the day and hour of the receipt of the same.

(b) By said order the court shall call an election, in which no other question may be submitted to the electors. Said election shall be held at a time not less than thirty (30) days nor more than forty (40) days

after the entry of the court's order therefor.

(c) Publication of notice of said election, the holding thereof, the canvass of the returns and the declaration of the results thereof (save in those things peculiarly appropriate to the object of the election, and which peculiar matters are specifically provided for herein), shall be had, done and performed in accordance with the then effective provisions of law regulating the holding of general elections in the State of Texas. Those additional things required and deemed peculiarly appropriate to such election are as follows, viz.:

1. There shall be printed as many copies of the proposed charter as there were voters in the last preceding general election in the county, plus twenty-five per centum (25%) thereof, which copies on or before the second day succeeding the first publication of the notice of the election, shall be placed, for distribution, on request, to qualified voters of the county, at each polling place designated in the notice of election.

2. The notice of the election shall contain a full copy of the proposed charter and to include alternate and elective provisions, if any such have been submitted to the electorate, which distinct and alternate provisions shall be printed in the order given them in the proposed charter.

3. Ballots at least equal to one and one-half times the vote cast in the last general election in the county shall be provided for the charter election. Distribution thereof to voting precincts changed or created later than the last general election held in the county shall be according to an estimate of the vote to be cast therein at the charter election. To each of these precincts remaining as at the last general election there shall be distribution of ballots approximately equal to one and one-half times the votes cast therein at the last general election. After the day upon which a petition for submitting a proposal to adopt a county home rule charter, or to amend the same, is started in circulation (the commissioners court being advised thereof by writing filed with its clerk), no county voting precinct may be redefined, consolidated or created, until a time sub-

sequent to the election called by the petition so filed.

4. There shall be printed on said ballots, exclusive of all other things, the following, viz.:

"County Home Rule Charter Ballot
For Adoption of Charter
or

Against Adoption of Charter"

Next there shall be printed in full thereon elective alternate charter provisions which may have been submitted for determination by the electors; and, in case any such elective charter provisions have been submitted, the same shall be printed in full on the ballot, in the forward progressive order in which they appear in the proposed charter. Indication of the will of the voter shall be by crossing out those propositions or provisions which are not favored. In case a voter crosses out both of two related alternate provisions, or if the voter fails to cross out one of two related alternate charter provisions, the vote to adopt or reject the charter shall nevertheless be counted on that issue.

5. No proposal to consolidate or merge the government of a governmental agency or entity, or any division or function thereof, with the government of the county for administration thereby, shall be voted on at an election held for the original adoption of a charter hereunder. However, it is provided that any such charter may contain provision whereby such consolidations may be submitted to the voters of the county.

Sec. 14. The canvassing of the returns and the declaring of the result of the election shall be by the commissioners court of the county and the charter drafting commission jointly sitting as a board for such purpose and the result as declared shall be spread on the minutes of the commissioners court. Contest of an election held hereunder may judicially be determined as is, or may be, provided by the laws of Texas relating to contest of general elections, subject to these conditions, viz.:

(a) Written notice of such contest must be filed with the commissioners court and with the clerk of the county charter commission within ten (10) days after the declaration of the result.

(b) In case of such notice, within five (5) days the members of the

commissioners court and the charter drafting commission shall reassemble as a joint board of review, for the public opening of those ballot boxes as to which the notice of proposed contest has specified exception, examination and recount of the ballots cast in each such voting precinct, revision, if any be required, in the tally sheets from the respective precincts in which error in the tally or returns, or illegal voting, may have been specified in the notice of proposed contest. Matters not specified in such notice of contest may not be inquired into by the board, nor later reviewed by a court. The board may hear evidence, subpoena witnesses and enforce their attendance by attachment to be issued by the clerk of any court of record on request of the board, and administer oaths to witnesses. The hearing shall be concluded as speedily as may be consistent with the object of the hearing. Having concluded the taking of evidence, the board publicly shall revise or reaffirm the tally to conform to their findings of the truth, and enter of record in the minutes of the commissioners court their redeclaration of the result of the election. Thereupon the ballots shall be appropriately resealed in the boxes from which they were taken and preserved as required by the general applicable law. A certified copy of the findings of the joint board of review must be received in evidence in any judicial proceeding contesting an election held hereunder, and shall constitute prima facie proof of the correctness of the declaration of the result of the election, as recorded by the joint board of review.

(c) The time consumed in re-examination of the returns by the joint board of review, as herein provided for, shall not be computed in determining the time within which a petition initiating an election contest in a court of appropriate jurisdiction must be filed: Such time shall be computed from the day on which the joint board of review announce their decision.

(d) Upon performance of the duties hereinbefore prescribed for the charter drafting commission, without other or further act, it shall be dissolved, subject only to its right to designate one of its members, to be a special fiscal agent, with the duty to terminate all pe-

cuniary business matters which have been incident to the performance of the duties of the commission, to procure payment of all outstanding lawful accounts created by the commission, in the manner provided in subdivision (b) of Section 11 of this Act.

Sec. 15. If the election results in a constitutional majority of the votes cast in the election being for the charter, the same shall be declared to be adopted and to be in effect after such procedures, at such time and under such conditions, as may be provided for in the adopted charter. If the proposal to adopt a charter be defeated in any such election, no other proposal for the adoption of a charter for the county hereunder may be initiated at a time less than twelve (12) months next succeeding the day of the defeat of the prior proposal. However, in case a charter adopted for a given county does not provide a time limitation (which may not exceed two (2) years) for a time at which such charter may be amended, any home rule charter adopted hereunder may be amended at any time.

Sec. 16. In case there be adoption of a county home rule charter providing for an administrative body styled other than as "commissioners court" and, or, "county judge" (as a member of the court), and thereafter there be occasion to proceed for the amendment of such charter, the quoted designations, as they appear in this Act shall be held to conform to the appropriately related designations as contained in the charter.

Sec. 17. In case there be not available to a given county funds to liquidate the expenses incurred because of the exercise of power under this Act, the proponents of a proposed charter may, in writing filed with the court, designate a fiscal agent through whom the proponents may pay all such lawful and proper expenses as may accrue, preserving proper vouchers therefor. Upon presentation of the itemized verified account of such expenses, accompanied by the appropriate vouchers, the commissioners court may approve or disapprove the same, or approve the part thereof found to be proper, and on such approval the court shall pay the same to the designated fiscal agent, or his successor, as soon as money lawfully

may be applied thereto, and any other law to the contrary shall be without effect. The county shall have no responsibility for the restitution of such money by the fiscal agent to the several contributing proponents, as their several interests may be.

Sec. 18. Nothing in this Act contained is intended to deny to the counties of Texas any right or power which in the absence of this Act might lawfully be enjoyed and exercised under the provisions of said Section 3, of Article IX, of the Constitution. On the contrary, all such rights and powers hereby are expressly recognized.

Sec. 19. Nothing in this Act contained shall be construed to authorize county charter provisions which would impair the operation of the General Laws of the State relating to the judicial, tax, fiscal, educational, police, highway and health systems of the State, or any department of the State's superior government; and no charter provision having such vice may have effect as against the State.

Sec. 20. If any provision, section, part, subsection, sentence, clause, phrase, or paragraph of this Act be declared invalid or unconstitutional, the same shall not affect any other portion or provision hereof, and all other provisions shall remain valid and unaffected by any invalid provision, if any.

Sec. 21. The importance of this legislation, and the approaching end of the Regular Session of the Legislature, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall be in full force from and after its passage, and it is so enacted.

S. C. R. No. 81.

Senator Patton sent up the following resolution:

Whereas, By virtue of the authority in it vested by the Constitution of the State of Texas, this the Regular Session of the Forty-third Legislature has proposed several amendments to the Constitution of Texas, said amendments to be submitted to a vote of the qualified electors of this State, and

Whereas, The Constitution of this State requires that proposed amend-

ments to the Constitution be published but once a week for four weeks, in a weekly newspaper in each county in this State where such a paper is published, and requires that said publications begin at least three months before the election whereat the proposed amendments are to be voted upon, and

Whereas, The amendments proposed vary greatly in length, and the expenses of publishing said proposed amendments in the manner required by the Constitution vary directly with the length of the matter to be published, and

Whereas, This Legislature has appropriated equal amounts for the purpose of publishing the proposed amendments without reference to the length of the matter to be printed, and

Whereas, The amount appropriated for the publication of certain of the amendments will exceed the cost of publishing said proposed amendments, while the amount appropriated to defray the cost of publishing others of the amendments proposed will be and are insufficient to do so; now, therefore be it

Resolved by the House of Representatives, the Senate concurring, That the Governor be and he is hereby authorized and empowered to have each and all of the amendments to the Constitution of this State, which have been heretofore, or which may be hereafter proposed by this the Regular Session of the Forty-third Legislature, published in the manner prescribed and enjoined by the Constitution; and, be it further

Resolved, That any part necessary of any appropriation made for the publication of any amendment may be used and is hereby authorized to be used to pay for the publication of any other amendment proposed by this the Regular Session of the Forty-third Legislature where the amount appropriated for that purpose is insufficient to do so.

PATTON.

The resolution was read.

Senator Patton received unanimous consent to suspend the rule requiring resolutions to be referred before consideration.

The resolution was adopted.

Pages Excused.

On motion of Senator Sanderford, the pages were excused, at 3:55

o'clock p. m., to attend a free picture show.

Senate Bill No. 413.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Murphy:

S. B. No. 413, A bill to be entitled "An Act regulating and fixing the rights of parties to contracts or conveyances executed by persons at the time who are of unsound mind or otherwise incompetent, where no adjudication of incompetency has been made by a court of competent jurisdiction, and, also, where such adjudication has been made but no lawful guardian of the estate of such incompetent has been appointed; providing for the filing in the deed records of each county where such incompetent owns, or has any interest in or lien upon land, of a copy of the order of the adjudication; providing for the duty of the court and clerk with respect to the filing of such order, fixing the cost and fee therefor; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 413 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.	Small.
Greer.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.	Small.
Greer.	

Free Conference Requested.

Senator Moore moved not to concur in the House amendments to S. B. No. 338, and to request the appointment of a free conference committee. The motion prevailed.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 47, and requests the appointment of a conference committee to adjust the differences between the two houses. The following are appointed on the part of the House:

Moore, Jones of Atascosa, Walker, Ford, and Morse.

The House has granted the request of the Senate for the appointment of a conference committee to consider the difference between the two houses on S. B. No. 191. The following are conferees on the part of the House:

Kayton, Coombes, Adamson, Van Zandt, and Tennyson.

The House has passed the following bills:

S. B. No. 493, A bill to be entitled "An Act to repeal Article 587, of the Penal Code, Acts 1909, page 289, Acts 1921, page 152."

S. B. No. 338, A bill to be entitled "An Act amending Article 6205, Re-

vised Civil Statutes, of 1925, as amended by Chapter 153, General and Special Laws of the Forty-first Legislature, and as further amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature, and amending Article 6221, Revised Civil Statutes of 1925, as amended by Chapter 5, General Laws of the Second Called Session of the Forty-first Legislature, and as further amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature, and declaring an emergency."

(With amendments.)

S. B. No. 571, A bill to be entitled "An Act to amend Articles 1257 and 1259 of the Revised Civil Statutes of 1925, relating to abolition of corporate existence of cities and towns, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Report.

Senator Redditt sent up the following Free Conference Committee report:

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives:

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two (2) houses on

H. B. No. 166, A bill to be entitled "An Act making appropriations for the support, maintenance, operation and improvement of the State institutions of higher learning for the two (2) fiscal years beginning September 1, 1933, and ending August 31, 1935, and for certain other educational agencies of the State, prescribing certain restrictions concerning the expenditures of said appropriations, and declaring an emergency."

Have had said bill under consideration, after the House of Representatives refused to adopt the original report filed on May 25th, and beg leave to report that we have

again considered said bill, and after having made approximately five hundred reductions in various items of the bill, and have reduced the grand total for the biennium of \$302,699.95.

We further report that the original conference report has been reitemized so that the total is \$9,216,565.05 as against \$9,519,265.00, so that there has been a saving of \$302,699.95.

We therefore respectfully ask that the conference report be accepted and adopted as amended by the committee.

HOLBRBOOK,
WOODRUFF,
PATTON,

On the part of the Senate.

HARMAN,
BURNS,
GRAVES,
CLAYTON,
CHASTAIN,

On the part of the House.

Read and adopted by the following vote:

Yeas—25.

Beck.	Patton.
Blackert.	Poage.
Fellbaum.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—3.

Collie.	Duggan.
DeBerry.	

Absent—Excused.

Cousins.	Small.
Greer.	

**Reasons For Voting Against Free
Conference Committee Report
on Appropriations for State
Institutions of Higher
Learning.**

As a member of the Free Conference committee, in this matter, I have failed to sign the report of

the committee and am voting against this bill for the following reasons:

The committee has properly made these appropriations on a per capita basis. The committee has appropriated \$300 per capita for the Agricultural and Mechanical College; \$225 per capita for the students of the College of Industrial Arts, and \$172 per capita for Texas Technological College.

My contention is that a young man taking engineering courses at a State school at Lubbock is entitled to as much appropriation as a young man taking identically the same courses at the A. and M. College; also that a young lady taking home economics at the State institution at Lubbock is entitled to as much appropriation as a young lady taking the same courses at Denton. I requested the committee to make these appropriations in this way, allowing exactly the same to the students at Texas Technological College as they do to other State institutions for the same course.

The committee did not see proper to recognize the technical courses at the Texas Technological College and for these reasons I have refrained from signing the report and I am voting "No" on the bill.

DUGGAN.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the conference committee report on H. B. No. 166, by a vote of 74 yeas and 58 nays.

The House has adopted the conference committee report on H. B. No. 928, by a viva voce vote.

The House has adopted the conference committee report on H. B. No. 923, by a vote of 107 yeas and 0 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Report.

Senator Martin sent up the following free conference committee report:

Committee Room,
Austin, Texas, May 25, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two Houses on

S. B. No. 412, A bill to be entitled "An Act for the purpose of strengthening and providing for a stronger and more efficient administration and enforcement of all inheritance, occupation, gross receipts, gross production taxes, gross premium taxes on insurance companies, gasoline, excise, sales, and all other State's taxes, including intangible, and all character of delinquent State taxes other than ad valorem taxes on property; providing for an appropriation for the use of the State Tax Board and the State Tax Commissioner, for the purpose of assisting in the enforcement and collection of such taxes, particularly delinquent taxes, other than ad valorem taxes on property; amending Article 7076, Chapter 2, Title 122, of the Revised Civil Statutes, 1925, so as to confer additional powers and authority upon the State Tax Board and the State Tax Commissioner in the collection of delinquent taxes; providing for the employment of necessary auditors, clerks, tax supervisors and attorneys by the State Tax Board, to assist and aid in the collection and enforcement of all State taxes and tax laws, other than ad valorem; authorizing the State Tax Commissioner to request and receive assistance from the Attorney General and the heads and employees of all Departments of the State Government, to aid in the speedy recovery of taxes and penalties due the State under the provisions hereof; fixing venue and jurisdiction of all suits in the courts of Travis County; authorizing the forfeiture of charters of corporations for failure to comply with the provisions hereof, and prohibiting the use of certain information as a result of examination of books and records of such corporations except for the purpose of some judicial proceeding for the collection of delinquent taxes where the State of Texas is a party; providing for an additional appropriation to pay the salary of the State Tax Commissioner and the sal-

aries of employees of the State Tax Board; providing that all powers and authority now possessed by existing officers and agencies of the State Government for the collection of delinquent taxes, shall, in addition, be conferred upon the State Tax Board, as far as the same may be applicable; providing that the State Tax Commissioner shall be the chief administrative officer of the Act, as far as delinquent taxes are concerned and shall have exclusive power and authority to employ such clerks and other personnel as may be necessary for the proper and efficient prosecution of delinquent tax suits and all other actions which may arise hereunder; amending Chapter 5, of Title 122 of the Revised Civil Statutes, 1925, by adding Chapter 5a to said Title, and providing for the strengthening of inheritance tax laws, and for an inheritance tax to be levied on every taxable estate equal to the difference between the tax due this State and eighty (80) per cent of the total sum due the United States Government under the Revenue Act of 1926; providing that said tax shall be a lien upon the entire estate of deceased but may be apportioned and collected on each share; providing that no tax is due if eighty (80) per cent of Federal estate tax under Revenue Act of 1926 is equal to or more than tax due the State; providing that where no tax is due the State and a tax is due the Federal Government that a tax equal to eighty (80) per cent of tax due the Federal Government be assessed; providing for method of determining what eighty (80) per cent of Federal Government tax is; providing for the filing by those required to file inheritance tax reports, of reports showing valuations as determined by Federal Government; providing for notice of additional assessments, time of payment, and penalties, and methods of collection and enforcement; providing for county clerks or probate clerks to file notice with Comptroller showing certain information and providing penalties for failure to so do; providing for filing of reports of values ascertained by Federal Government and the use to be made of it by the Comptroller, and providing for refunding where tax originally paid is in excess of revised tax; providing for penalties for failure to file

reports required, and providing for Comptroller to co-operate with Federal Government; providing a method of calculating inheritance taxes on non-resident estates and resident estates; providing for deposit companies, trust companies, corporations, banks or other institutions or person or persons from delivering property of decedents, in their possession after decedent's death to any person except by order of county judge or in presence of Comptroller or his agent, and providing penalties for failure to comply; amending Articles 7141, 7142 and 7122, Chapter 5, Title 122, Revised Civil Statutes, 1925, in order to tax property within the State, going to persons not related to the decedent; repealing Article 7140 Chapter 5, Title 122, Revised Civil Statutes, 1925; providing that in the event any word, sentence, clause, paragraph, section, part or parts of this Act shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect or impair any remaining word, sentence, clause, paragraph, section, part or parts not so held invalid or unconstitutional; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Having considered the differences between the two Houses and having reached an agreement, beg leave to report that the hereto attached completed bill is the bill which we recommend to be passed by both Houses.

We recommend the adoption of this report and the final passage by both Houses of the attached bill.

MARTIN,
SANDERFORD,
MURPHY,
MOORE,
ONEAL,

On the part of the Senate.

BARRON,
WEINERT,
STINSON,
ALEXANDER,
COWLEY,

On the part of the House.

S. B. No. 412.

A BILL

To Be Entitled

An Act for the purpose of strengthening and providing for a stronger

and more efficient administration and enforcement of all inheritance, occupation, gross receipts, gross production taxes, gross premiums taxes on insurance companies, gasoline, excise, sales, and all other State taxes, including intangible, and all character of delinquent State taxes other than ad valorem taxes on property; providing for an appropriation for the use of the State Tax Board and the State Tax Commissioner, for the purpose of assisting in the enforcement and collection of such taxes, particularly delinquent taxes, other than ad valorem taxes on property; amending Article 7076 Chapter 2, Title 122, of the Revised Civil Statutes, 1925, so as to confer additional powers and authority upon the State Tax Board and the State Tax Commissioner in the collection of delinquent taxes; providing for the employment of necessary auditors, clerks, tax supervisors and attorneys by the State Tax Board, to assist and aid in the collection and enforcement of all State taxes and tax laws, other than ad valorem; authorizing the State Tax Commissioner to request and receive assistance from the Attorney General and the heads and employees of all departments of the State Government, to aid in the speedy recovery of taxes and penalties due the State under the provisions hereof; fixing venue and jurisdiction of all suits in the courts of Travis County; authorizing the forfeiture of charters of corporations for failure to comply with the provisions hereof, and prohibiting the use of certain information as a result of examinations of books and records of such corporations except for the purpose of some judicial proceeding for the collection of delinquent taxes where the State of Texas is a party; providing for an additional appropriation to pay the salary of the State Tax Commissioner and the salaries of employees of the State Tax Board; providing that all powers and authority now possessed by existing officers and agencies of the State Government for the collection of delinquent taxes, shall, in addition, be con-

ferred upon the State Tax Board, as far as the same may be applicable; providing that the State Tax Commissioner shall be the chief administrative officer of the Act, and shall have exclusive power and authority to employ such clerks and other personnel as may be necessary for the proper and efficient prosecution of delinquent tax suits and all other actions which may arise hereunder; amending Chapter 5, of Title 122 of the Revised Civil Statutes, 1925, by adding Chapter 5A to said Title, and providing for the strengthening of inheritance tax laws, and for an inheritance tax to be levied on every taxable estate equal to the difference between the tax due this State and Eighty (80) per cent of the total sum due the United States Government under the Revenue Act of 1926; providing that said tax shall be a lien upon the entire estate of deceased but may be apportioned and collected on each share; providing that no tax is due if eighty (80) per cent of Federal Estate tax under Revenue Act of 1926 is equal to or more than tax due the State; providing that where no tax is due the State and a tax is due the Federal Government that a tax equal to eighty (80) per cent of tax due the Federal Government be assessed; providing for method of determining what eighty (80) per cent of Federal Government tax is; providing for the filing by those required to file inheritance tax reports, of reports showing valuations as determined by Federal Government; providing for notice of additional assessments, time of payment and penalties and methods of collection and enforcement; providing for county clerks or probate clerks to file notice with Comptroller showing certain information and providing penalties for failure to so do; providing for filing of reports of values ascertained by Federal Government and the use to be made of it by the Comptroller, and providing for refunding where tax originally paid is in excess of revised tax; providing for penalties for failure to file reports required, and providing for Comptroller to cooperate with Federal Government; providing a method of calculating inheritance taxes on non-resident estates and resident estates; providing for deposit companies, trust companies, corporations, banks or other institutions or person or persons from delivering property of decedents, in their possession after decedent's death to any person except by order of county judge or in presence of Comptroller or his agent, and providing penalties for failure to comply; amending Articles 7141, 7142 and 7122, Chapter 5, Title 122, Revised Civil Statutes, 1925, in order to tax property within the State, going to persons not related to the decedent; repealing Article 7140, Chapter 5, Title 122, Revised Civil Statutes, 1925; providing that in the event any word, sentence, clause, paragraph, section, part or parts of this Act shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect or impair any remaining word, sentence, clause, paragraph, section, part or parts not so held invalid or unconstitutional; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7076, Chapter 2, Title 122, of the Revised Civil Statutes of Texas, 1925, be and the same is, hereby amended so as to hereafter read as follows:

"Article 7076. The penalties provided for by this Chapter shall be recovered by the Attorney General in a suit brought by him in the name of the State of Texas; and it is further provided that should any taxes or penalties provided for by this Chapter be found at any time to be delinquent, the State Tax Board, consisting of the Comptroller of Public Accounts, the Secretary of State, and the State Tax Commissioner, shall be authorized to bring suit for the recovery of same in the name of the State of Texas. The State Tax Commissioner is hereby authorized to appoint and employ investigators, attorneys, auditors, and/or other assistants as may be necessary to carry

out the provisions of this Act as said State Tax Commissioner may deem advisable; providing further, that in no event shall said State Tax Board or the State Tax Commissioner make any contract of employment for the collection of delinquent taxes on a contingent fee basis. The State Tax Commissioner is further authorized to request and receive the assistance of the Attorney General and the heads and employees of all other departments of the State Government to aid in the speedy recovery of such money or penalties due the State under the terms of this Chapter; and it shall be the duty of the Comptroller of Public Accounts, the Secretary of State, and other officials and heads of all State departments and agencies of the State Government, which are now, or may be charged with the administration and collection of State taxes and license fees, to certify to the State Tax Commissioner, within 30 days after any State taxes or license fees become delinquent, the fact of such delinquency; and the State Tax Commissioner or his authorized representative shall have full and complete authority to investigate, inquire into, and examine the records of the various departments of the State Government charged with the collection of State taxes or license fees, for the purpose of ascertaining whether delinquencies in the payment of State taxes and license fees exist. The venue and jurisdiction of all suits arising hereunder is hereby conferred upon the courts of Travis County. It is further provided that for the purpose of carrying out the terms of this Act said State Tax Commissioner and said State Tax Board shall have the authority to examine at the principal or any other office in the United States of any person, firm, agent or corporation permitted to do business in this State, all books, records and papers and also any officers or employees thereof, under oath, and failure or refusal of any person, firm, agent or corporation to permit such examination shall, upon certification of such refusal by the State Tax Commissioner to the Secretary of State, immediately forfeit the charter or permit to do business in this State until such examination as is required to

be made is completed. The State Tax Board or any authorized agent thereof shall not make public or use said information derived in the course of said examination of said books, records and papers and/or officers or employees except for the purpose of some judicial proceeding for the collection of delinquent taxes in which the State of Texas is a party."

Sec. 2. It is further specifically provided that all of the provisions of this Act shall apply and be applicable to all delinquent State taxes due and owing to the State of Texas, of every kind and character whatsoever, including all franchise, occupation, gross receipts, gross production, gross premiums tax on insurance companies, inheritance, gasoline, excise and all other State taxes which become delinquent other than State ad valorem taxes on property. It is hereby declared to be one of the purposes hereof to impose upon the State Tax Board the additional duty of collecting and aiding in the collection of all delinquent taxes enumerated and referred to herein, and all laws now applicable to the collection of such delinquent taxes, and all powers and authority now possessed by existing officers and agencies of the State Government are hereby, in addition, conferred upon said State Tax Board, as far as the same may be applicable, but this provision shall not in any manner lessen, transfer, interfere with or impair the rights or duties of existing agencies of government to collect such delinquent taxes; provided further, that said State Tax Commissioner shall, after the passage hereof, be the chief administrative officer of this Act, and said State Tax Commissioner shall have full and exclusive power and authority to employ such clerical personnel as may be necessary for the proper and efficient prosecution of delinquent tax suits, and all actions which may arise hereunder, which shall be in addition to such assistance as may be required by the State Tax Board or the State Tax Commissioner from the Attorney General of Texas, and the State Board of Control shall provide said State Tax Board with proper and sufficient office space and quarters.

Sec. 2a. That the following sums of money, or as much thereof as may be necessary, be and the same

are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the support and maintenance of the State Tax Commissioner's Office for the two-year period beginning September 1, 1933, and ending August 31, 1935; provided that each and every employee of such office shall be paid by voucher issued in his or her name. Said voucher shall state the amount of salary or sum due and for what service performed with the date and time of such service, and no money or moneys shall be paid except upon presentation of said

voucher or vouchers, endorsed by the payee; and provided further that if any amount herein fixed for any particular purpose be not used for such purpose, in whole or in part, the unused portion of such amount shall be returned to or left in the State Treasury; and provided further that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any State fund or funds under the control of the State Tax Commissioner referred to herein.

STATE TAX BOARD.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Salaries of		
Additional compensation to Tax Commissioner, not to exceed \$225.00 per month	\$ 2,700.00	\$ 2,700.00
One chief delinquent and intangible tax attorney, not to exceed \$335.00 per month ..	4,020.00	4,020.00
Two assistant attorneys general to be assigned by the Attorney General to the State Tax Board for the exclusive purpose of enforcing the provisions of this Act and the filing and prosecution of suits arising hereunder, who shall give their entire time to the legal duties required to be performed by said State Tax Board, none to exceed \$250.00 per month	6,000.00	6,000.00
One chief auditor for the State Tax Board, not to exceed \$300.00 per month	3,600.00	3,600.00
One chief delinquent and intangible tax supervisor, not to exceed \$200.00 per month	2,400.00	2,400.00
One traveling auditor and one investigator, not to exceed \$200.00 per month each	4,800.00	4,800.00
Two auditors, not to exceed \$150.00 per month each	3,600.00	3,600.00
Four stenographers and clerks, basis \$100.00 per month, none to exceed \$110.00	4,800.00	4,800.00
Traveling expenses	8,400.00	8,400.00
Stationery, supplies, office equipment, furniture, general maintenance and contingent expense, including salaries of additional employees not to exceed the salaries as set out above in each classification and bond premiums on all employees and State Tax Commissioner	10,000.00	10,000.00
Total	\$ 50,320.00	\$ 50,320.00

Sec. 2b. Section 1. In addition to the inheritance tax already levied by this State under existing laws, an inheritance and transfer tax is hereby levied upon the net estate of every decedent dying after this Act shall take effect,

and whose estate, or any portion thereof, is, or hereafter shall be, made taxable under the inheritance tax laws of this State, or that may be subject to such taxes under any law of this State that may be hereafter enacted. Said tax shall be,

and is, levied upon the entire net value of the taxable estate of the decedent situated and taxable in the State of Texas, and the tax on each such estate shall be equal to the difference between the sum of such taxes due this State as inheritance or transfer taxes and eighty (80%) per cent of the total sum of the estate and transfer taxes imposed on such estate by the United States Government under the Revenue Act of 1926, by reason of the property of such estate which is situated in this State and taxable under the laws of this State.

Sec. 2. The additional tax aforesaid shall be a lien upon the entire estate of the deceased and collectible out of said entire estate, or any part thereof, regardless of exemptions and deductions; and, in event two (2) or more persons succeed to or become the owners of taxable interests in such estate, and in event inheritance or transfer taxes are assessed under the law against portions thereof or interests therein severally, then said additional tax levied and collected under this Act shall be apportioned between or among such part owners in proportion to the amount of the tax assessed against each share or interest in said estate.

Sec. 3. In the event the amount of inheritance and transfer taxes assessed against any certain estate under the inheritance tax laws of this State shall equal or exceed eighty (80%) per cent of the estate or transfer taxes assessed and computed by the United States under the Revenue Act of 1926, against said estate or property belonging thereto and situated within the State of Texas, then no additional taxes shall be collected hereunder, it being the purpose and intention of this Act to collect only a sufficient additional tax, when necessary, for the State to get the full benefit of the eighty (80%) per cent credit to the states provided for by Section 301, Chapter 27, of the Federal Revenue Act of 1926.

Sec. 4. Where no inheritance tax is imposed on an estate, which is situated in this State, under the laws of this State, by reason of its value not exceeding in value the amount of exemptions, and an estate tax is imposed on such estate by the Federal Government, then there shall be, and is hereby, levied, and shall be collected from such estate, as in-

heritance or transfer tax sufficient in amount to equal eighty (80%) per cent of said tax imposed by the Federal Government under the Revenue Act of 1926, on that portion of said estate which is situated in the State of Texas. In computing and determining the rate of the tax in such cases named in this section, the State Comptroller, or other officers, whose duty it is to calculate and determine the amount of inheritance taxes, shall compute the same upon the net valuations of said estate as determined and used by the United States in computing the amount of the Federal Government tax due upon said estate, and said tax shall be paid from the whole of such estate before partition and distribution among the joint or several owners of same, and the said tax shall be due and payable, and shall be subject to the same interest and penalties for non-payment, as are other inheritance taxes under the provisions of the inheritance tax laws of this State.

Sec. 5. In determining what is eighty (80%) per cent of the United States estate tax mentioned in the preceding sections, the same shall be computed as eighty (80%) per cent of such taxes actually assessed and determined by the Federal Government under the Revenue Act of 1926, against every estate situated wholly in this State, or in case an estate is situated partly in this State and partly outside of this State, then such eighty (80%) per cent shall be computed as eighty (80%) per cent of the total amount of Federal taxes finally determined and assessed by the Federal Government under the Revenue Act of 1926, on and against that part of the estate situated in the State of Texas, and said amount of Federal tax shall be determined by multiplying the total Federal estate tax on the entire estate by a percentage which shall be the same percentage as the percentage of the net estate located in Texas is to the total net estate of the decedent, wherever located, before deducting specific exemptions. In every case, it shall be the duty of the executor, administrator, or other officer, whose duty it is under the law to file reports of property with the county court for inheritance tax purposes, to file with the county court which has jurisdiction of such estate, and with the Comptroller of Public Ac-

counts at Austin, a report showing the values placed on such estate and the amount of estate tax assessed against the same by the Federal Government; and in case the Federal Government adds to or increases the net or taxable value of any estate and levies an additional tax in accordance therewith, after having already determined and assessed a tax against said estate, then such officer shall report, as aforesaid, the amount of said increased value and the amount of the added tax levied by reason thereof, this requirement applying only to an estate, or to the portion of an estate, which is situated in the State of Texas; and upon such report the additional taxes due this State shall be calculated and determined.

Sec. 6. In every case in which additional taxes have been assessed against an estate under the provisions of this Act, notice of the assessment of such additional tax shall be given by the county judge, at once, to the owners or coparceners of said property against which said additional taxes have been assessed, and said tax shall become due in thirty (30) days after such notice, or within thirty (30) days after such owner or coparcener shall have had actual notice of the assessment of such additional taxes, and said tax shall bear interest at the rate of six (6%) per cent per annum from the date of such notice, formal or actual, and if said tax is not paid within three (3) months from the date of such notice, a penalty of two (2%) per cent per month shall accrue on said taxes from the date same were due, which said penalty shall be in lieu of interest after said penalty begins to accrue. Nothing in this Act shall prevent any part owner or coparcener of property, against which such additional taxes have been assessed, from paying his pro rata of such taxes and thus relieving his property from interest or penalties after such payment.

Sec. 7. The notice, the date for maturing, payment, interest and penalties provided for in this Act shall govern in every case of additional taxes assessed by virtue hereof, but the methods and means of collection and enforcement, by suit or otherwise, shall be governed by the provisions of the inheritance tax laws of this State.

Sec. 8. Sections 1 to 7, inclusive,

of this chapter shall always be construed so as not to increase the total amount of taxes payable to the State and the Federal Government combined upon the estates of decedents, the only purpose of said additional tax being to take full advantage of the eighty (80%) per cent credit allowed by the Federal Revenue Act of 1926, to those who have paid any estate, inheritance, legacy, or succession tax to any State or territory or to the District of Columbia, in respect to any property included in the descendants' gross estate.

Sec. 9. Within ten (10) days after a will shall have been filed for probate, it shall be the duty of the clerk of the court in which same is filed to give written notice thereof to the State Comptroller, setting forth in such notice the name of the testator, his residence at the date of his death, the names and addresses of the executors, administrators or trustees, the location of said estate, the name and address, and relation to the testator, of each devisee, legatee and beneficiary under said will, and the approximate value of the share of each, and said clerk shall also give to the State Comptroller any other information which that official may call for in reference to any such estate or will, such information to be furnished within ten (10) days after being called for, such reports and information being for the purpose of enabling the State Comptroller to determine whether an inheritance tax is due and, if so, the amount thereof. If any county or probate clerk shall fail or refuse to comply with any of the provisions or requirements of this section, he shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than fifty (\$50.00) dollars nor more than two hundred fifty (\$250.00) dollars.

Sec. 10. If the value of any estate taxes under Chapter 5 of Title 122 of the Revised Civil Statutes of 1925, with amendments, shall have been assessed and fixed by the Federal Government for the purpose of determining the Federal estate taxes due thereon, prior to the time the report which is required under the inheritance tax laws of this State is made to the State Comptroller, the value of the estate so fixed by the

Federal Government shall be stated in such report. If the assessment of the estate by the Federal Government is made after the filing of such report to the State Comptroller, the officer or person whose duty it is to file the report which is required under the inheritance tax laws of this State, shall, within thirty (30) days after receiving notice or information of the final assessment and determination of the value of the estate as assessed and determined by the Federal Government for the purpose of fixing Federal estate taxes thereon, make to the State Comptroller a report of the value of said estate as so fixed and determined, said report to be made under oath.

Sec. 11. Upon receipt of any report provided to be made to the State Comptroller under the preceding section and upon consideration thereof, if that official deems it advisable, he may take into consideration said report in determining the value of any estate for inheritance tax purposes, and may value or revalue such estate for such purpose after giving each beneficiary, or person at interest in said estate, thirty (30) days' written notice of such Federal valuation and of his said purpose to value or revalue said estate, and shall give such beneficiary, or person at interest, an opportunity to be heard and to present evidence touching the value of such estate, and, after such notice and hearing, if any is had, the State Comptroller may finally fix the value of any such estate for inheritance tax purposes, and, if he deems the same just and true, he may except the valuation as fixed by the Federal Government in any case in calculating and determining the amount of State inheritance taxes due; and if any additional taxes are assessed under this or the next two preceding sections, written notice thereof shall be given to the executor, administrator or other legal representatives, and to every person who owns a taxable part or share in such estate, which notice may be given by letter directed to the last known address of such owner; and said taxes shall become due and payable within three (3) months from the date of such notice, and all such taxes shall bear interest at the rate of six (6%) per cent per annum

from the date of such notice, and on all such taxes not paid within three (3) months after the date of such notice, there shall be collected as a penalty for non-payment, interest at the rate of two (2%) per cent per month from the expiration of said three (3) months period until paid, which said penalty shall be in lieu of interest after said penalty begins to accrue; and if said taxes, penalty and interest are not paid in full within nine (9) months from the date said taxes were so determined and assessed, suit shall be brought to collect the same in accordance with the provisions of Article 7134, Chapter 5, Title 122, of the Revised Civil Statutes of 1925.

Sec. 12. In the event the valuation of any estate is decreased under the next preceding sections, and the amount of the taxes is determined by the State Comptroller to be less than same had previously been calculated and determined, and if the over-payment of such taxes had been made, then the State Comptroller shall refund said taxes to the extent of the overpayment, out of any subsequent inheritance tax collections made by him before same is deposited to the General Revenue Fund of the State.

Sec. 13. If any person, whose duty it is under the law to file inheritance tax reports in this State, shall fail to file with the State Comptroller the report provided for by this Act, stating the value at which any estate has been assessed by the Federal Government, he shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars; but it shall be a defense to said prosecution if the offending party shows that his failure was not wilful and that he had good cause for failing in such duty. The State Comptroller is authorized and directed to confer quarterly with the Department of Internal Revenue of the United States to ascertain the value of estates in Texas which have been assessed or valued for taxes by the Federal Government, and he shall cooperate with said Department of Internal Revenue, furnishing to said Department all available information concerning estates of dece-

dents in Texas which said Department may request.

Sec. 14. The inheritance tax is imposed upon every beneficiary's share of the estate of a non-resident decedent shall be a tax which, in amount, bears the same ratio to the entire tax for which the beneficiary's interest would be liable if the entire estate were situated in Texas, as the total value of the beneficiary's share of the decedent's estate which is situated in Texas, before allowable beneficiary deductions are made, bears to the total value of the beneficiary's entire share in the estate of the non-resident decedent wherever situated, before allowable beneficiary deductions are made.

Sec. 15. In the event a resident of this State dies leaving any estate subject to an inheritance tax, situated partly within and partly without this State, the inheritance tax imposed upon the share of any beneficiary of said estate situated in Texas shall be a tax which shall bear the same ratio to the amount such tax would be if his entire share and interest were situated in Texas, before allowable beneficiary deductions, bears to the total value of such beneficiary's share in such decedent's estate, wherever situated, before allowable beneficiary deductions are made.

Sec. 16. (a) No safe deposit company, trust company, corporation, bank or other institution, person or persons, having in possession or under control securities, deposits, or other assets belonging to a decedent who was a resident or non-resident, or belonging to such a decedent and one or more persons, shall deliver the same to the executors, administrators, heirs or legal representatives of said decedent, or to the survivor or survivors when held in the joint names of a decedent and one or more other persons, or upon their order or request, unless notice of the time and place of such intended delivery or transfer be served upon the Comptroller at least ten days prior to said delivery or transfer, and delivery to be made only in the presence of the Comptroller or his duly authorized agent, who may be the county judge of the county in which said transfer transpires, unless the Comptroller in writing consents to the transfer without his presence.

And it shall be lawful for the said Comptroller or his representative to examine all of said securities, deposits or assets at the time of such delivery or transfer. Failure to serve such notice or failure to allow such examination shall render such safe deposit company, trust company, corporation, bank or other institution, person or persons liable to the payment of the amount of the tax or interest due or thereafter to become due upon said securities, deposits or other assets delivered or transferred, and in addition thereto, a penalty of not less than one thousand or more than five thousand dollars; and the payment of such tax and interest thereon, or the penalty above prescribed, or both, may be enforced in an action brought by the Comptroller in any court of competent jurisdiction.

(b) When it is made to appear to a county judge in this State that a safe deposit company, trust company, bank, person or corporation has in its possession, or under its control papers of a decedent or whose estate such court has jurisdiction, or that the decedent has leased from such a corporation a safe deposit box, and that such papers or such safe deposit box may contain a will of the decedent, or a deed to a burial plot in which the decedent is to be interred, or a policy of insurance in the name of the decedent and payable to a named beneficiary, he may make an order directing such deposit company, trust company, bank, person, or corporation to permit a person named in the order to examine such papers or safe deposit box in the presence of himself, or his duly authorized representative, or a representative of the Comptroller, and an officer of such safe deposit company, trust company, bank or corporation, or agent of such person, and if such documents are found among such papers, or in such box, to deliver said will to the clerk of the probate court of such county or said deed to such persons as may be designated in such order, or said policy of insurance to the beneficiary named therein. The clerk of said court shall furnish a receipt upon the delivery of the will to him.

Sec. 17. That Article 7142, Title 122, Chapter 5, of the Revised Civil Statutes, 1925, be, and the same is

hereby, amended so as to read as follows:

Tax Collectors Fees. The collector of taxes of each county shall, on or before the fifteenth day of each month, transmit to the State Treasurer at Austin, Texas, all taxes received before the first day of the month by him under the provisions of law relating to the assessment and collection of inheritance taxes, deducting therefrom all lawful disbursements made by him under the law and also his compensation at the rate of One (\$1.00) Dollar for each estate on which he collected the inheritance tax.

Sec. 18. That Article 7140, Title 122, Chapter 5, of the Revised Civil Statutes, 1925, be, and the same is hereby repealed.

Sec. 19. That Article 7141, Title 122, Chapter 5, of the Revised Civil Statutes, 1925, be, and the same is hereby, amended so as to hereafter read as follows:

Attorney's Fees. For the services performed under the provisions of this chapter, the county judge shall be allowed two per cent of the taxes collected, not to exceed thirty dollars in any one estate. If suit be brought, the county or district attorney prosecuting same shall receive as compensation therefor, five per cent of the

5% on any value in excess of \$	500 and not exceeding \$	10,000
6% on any value in excess of	10,000 and not exceeding	25,000
8% on any value in excess of	25,000 and not exceeding	50,000
10% on any value in excess of	50,000 and not exceeding	100,000
12% on any value in excess of	100,000 and not exceeding	500,000
15% on any value in excess of	500,000 and not exceeding	1,000,000
20% on any value in excess of	1,000,000	

Provided, however, that this Article shall not apply on property passing to or for the use of the United States or any religious, educational or charitable organization when such bequest, devise or gift is to be used within this State.

Sec. 21. All laws and parts of laws in conflict with any of the provisions of this Act are hereby repealed, and if any sentence, clause, paragraph, part or parts of this Act shall be held unconstitutional and void, such holding shall not affect any other part or provision not held void or invalid but all provisions not so held to be invalid shall continue in full force and effect.

Sec. 22. That by reason of the fact

amount of taxes payable hereunder, not to exceed in any one case the sum of two hundred dollars, which fee shall be added to and collected from said estate in addition to the taxes and penalties herein provided for, and such compensation shall be in addition to all other fees and compensation provided by this law. The aggregate of fees received under this law shall not exceed in any one year two thousand dollars, and any fees earned in addition to said sum shall be considered a portion of the tax and penalties collected, and be distributed in the same manner.

Sec. 20. To amend Article 7122, Chapter 5, Title 122, of the Revised Civil Statutes of 1925 as amended by H. B. No. 741 of the Regular Session of the 42nd Legislature so as to hereafter read as follows:

Article 7122. Class E—Foreign bequest. If passing to or for the use of the United States, to or for the use of any other person or religious, educational or charitable organization or institution, or to any other person, corporation or association not included in any of the classes mentioned in the preceding portions of the original Act known as Chapter 29 of the General Laws of the 2nd Called Session of the 38th Legislature, the tax shall be:

that there is much and unparalleled delinquency and an inadequate enforcement of our present occupation, franchise, gross, receipts, gross production, inheritance and other tax laws, and the further fact that it is imperative that said tax laws be strengthened, and that an adequate system of enforcement and collection of delinquent taxes be provided for, together with the fact that the government of the State of Texas is losing millions of dollars annually by reason of such condition, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each House on three separate days, be suspended, and said rule is hereby sus-

pending, and this Act shall take effect immediately and be in full force from and after its passage, and it is so enacted.

Senator Woodward moved that the report be printed in the Journal and action on it deferred until after it was printed.

Senator Martin moved to table the motion. The motion to table the motion was lost by the following vote:

Yeas—6.

Martin.	Redditt.
Murphy.	Sanderford.
Neal.	Woodul.

Nays—17.

Beck.	Parr.
Blackert.	Patton.
Collie.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Regan.
Holbrook.	Stone.
Hopkins.	Woodruff.
Hornsby.	Woodward.
Moore.	

Absent.

Duggan.	Poage.
Pace.	Russek.

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

The motion to print and defer action prevailed.

Conferees Appointed.

The Chair announced the appointment of the following Senate conferees on S. B. No. 338:

Senators Moore, Woodul, Rawlings, Woodward and Purl.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 919 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Engelhard, McGregor, Alexander, McClain, and Dunagan.

The House has concurred in Senate amendments to House Bill No. 847 by a vote of 106 yeas and 0 nays.

The House has passed the following bills:

S. B. No. 485, A bill to be entitled "An Act to authorize any county in this State, whose population according to the last preceding United States census did not exceed fifteen thousand, having at the time of the passage of this Act, any claim for money against any person, partnership, corporation, joint stock or other association, and whose claim shall amount to at least fifty per cent of all the claims against such debtor, to purchase the property of such debtor or debtors, at any sale made within two years from the date this Act shall become effective under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, whenever the commissioners court of said county shall be of the opinion that it is necessary or advisable so to do to protect the interest of the county, for such price as the commissioners court may deem advisable for the best interests of the county, and to have such property by said trustee in bankruptcy, receiver or other judicial officer conveyed and transferred to the county; further authorizing the commissioners court of such county to borrow money on the credit of the county, and to execute or cause to be executed the obligations of the county, therefor, for the purpose of making such purchases; and further authorizing such county to pledge, hypothecate or mortgage any property so purchased to secure the payment of all sums so borrowed; giving and granting to the commissioners court full power and authority to determine upon what terms, for what length of time, and at what rate of interest said sums shall be borrowed; further authorizing said commissioners court to liquidate all assets so purchased for the use and benefit of the county in any manner that a private individual might liquidate such assets, to sell and convey all or any part of such property so acquired, either for cash or upon credit, for such length of time and at such rate of interest as it may deem advisable, and to sue upon any obligations so acquired or contracted

to be paid to such county; further authorizing the commissioners court to pay the necessary cost and expense incurred in connection therewith from such property or the proceeds thereof; further provided that the net proceeds received by the county from such liquidation shall be paid into the respective funds of the county to which such claim originally belonged pro-rata; suspending all laws in conflict herewith, and declaring an emergency."

S. B. No. 539, A bill to be entitled "An Act providing that the Texas Prison Board shall have the power to insure the officers and employees of the Texas Prison System against liability to third persons arising from and out of the use and operation of automobiles, motor trucks and other motor vehicles used by the Texas Prison System for purposes legitimately connected with the operation of the Texas Prison System; validating policies heretofore subscribed by the Texas Prison Board for such purposes; and declaring an emergency."

S. B. No. 568, A bill to be entitled "An Act amending Subdivision 31 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended by Chapter 8, Acts of the Regular Session of the Forty-first Legislature; providing for changing and prescribing times of holding court in the Thirty-first Judicial District of Texas; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 949.

Senator Holbrook asked unanimous consent to suspend the regular order of business and take up H. B. No. 949.

Objection was heard.

Senator Holbrook moved to suspend the regular order of business and take up H. B. No. 949. The motion prevailed by the following vote:

Yeas—15.

DeBerry.	Parr.
Fellbaum.	Patton.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.
Pace.	

Nays—6.

Beck.	Purl.
Blackert.	Regan.
Collie.	Woodul.

Absent.

Duggan.	Poage.
Martin.	Redditt.
Neal.	Sanderford.
Oneal.	

Absent—Excused.

Cousins.	Small.
Greer.	

The Chair laid before the Senate the following bill:

H. B. No. 949, A bill to be entitled "An Act amending Article 7105, Revised Civil Statutes, 1925, and the amendment thereto contained in Section 12, of H. B. No. 154, Acts of the Forty-third Legislature, and Articles 7107 and 7111, Revised Civil Statutes, 1925, so as to include within the provisions of said Articles, which impose intangible assets tax upon certain persons, associations, and corporations, oil pipeline companies, gas pipeline companies, and common carrier pipeline companies of every character whatsoever engaged in the transportation of oil and/or gas, doing business wholly or in part within this State, and every other individual, company, corporation, association, or firm doing business of the same character in this State, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 949 was put on its second reading by the following vote:

Yeas—21.

Collie.	Parr.
DeBerry.	Patton.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Nays—2.

Beck.	Blackert.
	Absent.
Martin.	Redditt.
Poage.	Sanderford.
	Absent—Excused.
Cousins.	Oneal.
Greer.	Small.

Read second time.

The committee amendment was read and adopted.

Senators DeBerry and Blackert asked to be recored as voting "No."

The bill was passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 949 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—1.

Blackert.

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.
Martin.	

Read third time and finally passed by the following vote:

Yeas—21.

Blackert.	Neal.
Collie.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Russek.
Martin.	Woodruff.
Moore.	Woodward.
Murphy.	

Nays—3.

Regan.	Woodul.
Stone.	
	Absent.
Poage.	Sanderford.
	Absent—Excused.
Cousins.	Oneal.
Fellbaum.	

(Pair Recorded.)

Senator Beck (present) who would vote nay, with Senator Small (absent) who would vote yea.

Senate Bill No. 65.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Fellbaum:

S. B. No. 65, A bill to be entitled "An Act to amend Articles 4267, 4268, 4269, 4270, 4272, 4274, 4275, 4279, 4282, 4283 and 4285, of Chapter 12, Title 69, of the Revised Civil Statutes of Texas, relating to guardianship of persons of unsound mind and habitual drunkards, by extending the provisions thereof to persons mentally incompetent to manage their own property; adding to said Chapter Article 4267-a defining the terms 'incompetent,' 'mentally incompetent' and 'incapable,' as used in this Act; and declaring an emergency."

Read second time and passed to engrossment.

On motion of Senator Fellbaum the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 65 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

Conferees Appointed.

The Chair announced the appointment of the following Senate conferees on H. B. No. 47:

Senators Neal, Woodul, Woodward, Purl and Regan.

House Bill No. 729.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 729, A bill to be entitled "An Act to amend Act to authorize the withdrawal or exclusion of lands from improvement districts, created for any of the purposes authorized and contemplated by Section 59, Article XVI, of the constitution; prescribing the methods authorizing creation of subsidiary districts; prohibiting creating additional debt of subsidiary districts, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 729 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Collie.
Blackert.	DeBerry.

Duggan.	Poage.
Fellbaum.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Parr.
Blackert.	Patton.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Present—Not Voting.

Collie.	DeBerry.
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Absent.

Poage.

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

House Bill No. 498.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Wood, Mr. Harris, and Mr. Fisher:

H. B. No. 498, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, or killing of any wild deer, buck, doe, fawn, or pheasant within the limits of the Counties of Montague, Clay, Archer, Wise, Jack and Young, State of Texas, for a period of five (5) years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 498 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

House Bill No. 5.

The Chair laid before the Senate by unanimous consent the following bill:

By Mrs. Hughes:

H. B. No. 5, A bill to be entitled "An Act to provide that no lease of

any school or asylum land in which the State has a reservation of mineral shall be effective until filed in the General Land Office; and to provide that said lease shall be void unless it shall state the true considerations and terms and be accompanied by an affidavit by the owner that the terms and consideration in said lease are true and correct."

Read second time.

On motion of Senator Purl, the bill was laid on the table subject to call.

Recess.

On motion of Senator Woodward, the Senate, at 5:40 o'clock p. m., recessed until 8 o'clock p. m.

After Recess.

The Senate met at 8 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Walter Woodul.

At Ease.

On motion of Senator Purl, the Senate stood at ease for three minutes.

Senate Bill No. 204.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodruff:

S. B. No. 204, A bill to be entitled "An Act to simplify the operations of the Executive Department of the State government by abolishing certain offices, boards, departments, commissions, and institutions; creating others; redistributing the powers, duties, and functions of the Executive Department among such offices, boards, commissions, and departments as are herein created or hereby retained; defining such powers, duties and functions and coordinating them; fixing terms of office, methods of appointment and election, duties and qualifications of offices and positions and providing the methods of fixing the compensation thereof; repealing all laws and parts of laws in conflict herewith; and for other purposes."

Read second time.

Senator Moore sent up the following amendment:

Amend S. B. No. 204, by striking

out all below the enacting clause and insert in lieu thereof the following:

Section 1. For the purpose of reducing expenses of the State government and enforcing economies in the administration of certain departments, the following departments are hereby created and organized out of the existing agencies now supported by the State government:

Article 1. Department of Taxation and Revenue.

Section 1. Function: The functions of the Department of Taxation and Revenue shall comprise all functions of the State in relation to the administration of the State tax and revenue laws, the supervision of local tax assessment and collection, the keeping of statistics and other records of local finances and financial operations and the rendering of advice and assistance in relation to such matters, the collection of revenues and other charges due the State, including fines, forfeitures and escheats, the making of investments, the receiving and safekeeping of, and the accounting for, cash and securities, and the depositing, disbursing and investing of cash, and all other functions of the State in relation to taxation except as otherwise provided herein.

All such functions heretofore vested in any agency of the State government are hereby transferred to and vested in the Department of Taxation and Revenue. Specifically, the functions so transferred to and vested in the Department of Taxation and Revenue, except as otherwise provided herein shall include:

All functions of the State Tax Board (Intangible Tax Board) and the Tax Commissioner of the State of Texas.

All functions of the Secretary of State in relation to franchise taxes and delinquent franchise taxes.

All functions of the Comptroller of Public Accounts in relation to the administration of gross receipts and gross production taxes, the gasoline tax including refunds, sales and occupation taxes, and inheritance taxes; in relation to ad valorem taxes including functions in connection with delinquent taxes and those in supervising and instructing local assessors and collectors, receiving and tabulating assessed valuations, receiving

and auditing tax rolls, and collecting taxes from nonresidents; and in relation to registering bonds of the State and its political divisions, and keeping records of such bonds and those purchased for the permanent funds of the State, issuing deposit warrants and suspense receipts, and receiving and depositing moneys.

To the extent permitted by the Constitution, all functions of the Comptroller of Public Accounts and the State Board of Education in relation to the investment of the proceeds of the sale of lands set apart to the Public Free School Funds, and of the Comptroller in relation to the apportionment of the county tax on rolling stock of railroad companies as provided by Article VII, Section 4, and Article VIII, Section 8, respectively, of the Constitution. The Comptroller shall continue to make all such investments and apportionments as provided by the Constitution, but shall act in such matters through the Department of Taxation and Revenue, and with regard to its recommendations. In the cases of investments such action shall be taken upon approval by the State Board of Education directing such investments to be made. If and when the Constitution shall have been amended to permit, however, all such functions shall be vested exclusively in the Department of Taxation and Revenue.

All functions of the Railroad Commission in relation to the gross receipts tax on gas utilities.

All functions of the State Treasurer in relation to the collection of cigarette and other taxes.

All functions of the Board of Insurance Commissioners and of each such commissioner in relation to taxes on insurance companies.

All functions of the Game, Fish and Oyster Commission in relation to sales of sand, shell and gravel.

All functions of the State Highway Department in relation to the licensing and registration of motor vehicles and chauffeurs.

All functions of the Board to Calculate the Ad Valorem Tax Rate.

All functions of the State Depository Board.

All functions of the State Auditor and Efficiency Expert in relation to compiling financial statistics of local governments under Chapter 279 of

the General Laws of the Forty-second Legislature, and in relation to fee reports under Chapter 20 of the General and Special Laws of the Forty-first Legislature, Fourth Called Session.

All other functions heretofore vested in each such county and in every agency, not specifically mentioned herein, in relation to any matter hereby assigned to and vested in the Department of Taxation and Revenue.

Sec. 2. Head of Department. The head of the Department of Taxation and Revenue shall be the Commissioner of Taxation and Revenue, who shall be appointed as herein provided. The qualifications for such appointment shall include graduation in law or business administration from an institution of recognized standing, and eight years of experience in tax administration of which four years shall have been in a responsible capacity, or any equivalent combination of education and experience as determined by the State Tax Board; and recognized standing in the field of taxation or tax law. The Commissioner of Taxation and Revenue shall be the chief authority of the State and the advisor of the Governor and the Legislature in matters of taxation. The Tax Commissioner in office when this act takes effect shall continue in office as the Commissioner of Taxation and Revenue, hereunder, until the expiration of his term or until the office is otherwise vacated, but his successor shall be appointed under the terms of this Act.

Sec. 3. Organization of the Department. There shall be in the Department of Taxation and Revenue, a State Tax Board and a Bureau of Taxation.

Sec. 4. State Tax Board. The State Board shall consist of three members appointed as herein provided for six-year terms, one every two years after the Board is first constituted. In addition to exercising the functions elsewhere provided in this Act for boards and commissions the State Tax Board shall approve depositories, before they may receive deposits of State funds; approve investments before any investments of State funds are made; pass upon, approve, and fix all assessments of taxes for State purposes before they may become effective; hear

and determine appeals from assessments so fixed by it, and have power to order the correction of errors and inequities in the assessment and collection of such taxes.

Sec. 5. Bureau of Taxation. The Department of Taxation and Revenue shall exercise through the Bureau of Taxation all its functions in relation to administration of the tax and revenue laws, and in relation to the finances of local government, except those in relation to collection of State taxes and other revenues. The Bureau of Taxation shall be under the immediate direction and control of the Commissioner of Taxation.

Sec. 6. Organization of Bureau of Taxation. The Bureau of Taxation, as first organized hereunder, shall include the divisions of administration, research, motor vehicle registration, inheritance taxes, franchise taxes, gross receipts taxes, sales and occupation taxes, and local government.

The licensing and registering of motor vehicles, and the administration of inheritance taxes, franchise taxes, gross receipts taxes, and sales and occupation taxes including the gasoline tax, shall be administered through the division of motor vehicle registration, inheritance taxes, franchise taxes, gross receipts taxes, and sales and occupation taxes, respectively.

Sec. 7. Division of Administration. The Division of Administration shall maintain the files and records of the bureau; render central stenographic, typing, and other office services; and provide assistance to all the other divisions in designing forms and preparing reports. It shall maintain a staff of field agents for service to all other divisions and no separate staffs of field agents or employees shall be provided for any other division of the department.

Sec. 8. Division of Research. The Division of Research shall make continuous studies of the operation of the tax law, of the distribution and effects of the bureau of taxation in this State, and of taxation in other states and countries, and prepare statistics and reports relative thereto with proposals for such changes in the tax and revenue laws as seem desirable, for consideration by the Commissioner of Taxation and Revenue and the State Tax Board as basis for their

recommendations to the Governor and the Legislature. Under the direction of the Commissioner of Taxation and Revenue, it shall prepare the annual report of the Department of Taxation and Revenue.

Sec. 9. Division of Local Government. The Division of Local Government shall exercise the functions heretofore vested in the Comptroller of Public Accounts for supervising local assessments and collections of taxes, furnishing supplies to local assessors, receiving and tabulating assessed valuations, and auditing accounts of collectors and taxpayers. It shall assess the intangible values of railroad property, toll bridges, and ferries, determine the values of land belonging to the University of Texas for taxation for county purposes, and calculate the ad valorem tax rate. The values and rates so determined when approved by the commissioner and the State Tax Board shall be certified to the county assessors as provided by law. It shall register all bonds of local governments; advise and assist local governments in all matters of financial administration; and gather and compile statistics and prepare annual reports on local assessments, revenues, expenditures, debts, costs, and financial condition of local governments.

Sec. 10. Calculation of Ad Valorem Tax Rate. The ad valorem tax rate for State purposes shall be determined by the amount needed to balance the State budget as certified by the Commissioner of Finance and verified by the State Auditor, to which shall be added 20 per cent for losses and costs of collection; the resulting total sum which must be collected for State purposes shall be divided into the quotient of the total valuation of all property within the State by one hundred, to derive the number of cents on each one hundred dollars of valuation to be collected for State purposes.

Sec. 11. Qualifications of Heads of Divisions. The heads of the Divisions of Motor Vehicle Registration, Inheritance Taxes, Franchise Taxes, Gross Receipts Taxes, Sales and Occupation Taxes, and Local Governments, shall be qualified tax administrators in their respective fields. The head of the Division of Research shall be a qualified tax economist, trained in

taxation, economies, and statistics, and with five years of experience in research and statistical investigation in public taxation and finance.

Sec. 12. Division of Collections. The Division of Collections shall be responsible for the collection of all revenues due the State including the cigarette tax and the collection from non-residents of taxes locally assessed, and the collection of all fines, forfeitures and escheats due to the State. Fees and other charges for licenses, permits, or certificates of any kind, shall be collected at the times such licenses, permits, or certificates are issued by the agencies issuing them. Other charges due the State shall also, so far as practicable, be collected at the time the services are rendered or the liabilities accrue, by the agencies rendering the services or assessing the charges, or otherwise giving rise to the charges in favor of the State. In every other case, such agency shall forthwith render a bill on account to the person liable for the amount due and furnish a copy thereof to the Treasurer and one to the Comptroller. The Division of Collections shall actively prosecute the collection of all such charges in every practicable way.

Sec. 13. Division of Receipts. The Division of Receipts shall be responsible for receiving moneys collected by the various agencies from different sources and depositing them in the designated depositories, recording remittances to the Treasury, and preparing statements of receipts. No moneys shall be disbursed in cash, but all moneys shall be deposited as provided, and disbursed as elsewhere provided herein.

Sec. 14. Receipts to Be Deposited Daily. No receipts from any source shall be held, or used, or deposited in any personal or special bank account temporarily or otherwise, by any agency or employee of the State, to meet expenditures or for any other purpose, except as expressly provided herein. All receipts of any character, of any officer or employee of the State, in connection with any business of the State, and all balances of money on hand at any time, except as otherwise provided herein, shall be paid, within one business day after receipt, into the Treasury in the form in which received, directly or by de-

posit with designated depositories, to the credit of the Treasurer.

Copies of forms prescribed by the Comptroller covering all such deposits shall be lodged with the Comptroller and the Treasurer.

Sec. 15. Division of Warrants. The Division of Warrants shall keep all records in relation to the issuing and payment of warrants on the Treasury.

Sec. 16. Division of Bonds. The Division of Bonds shall be responsible for the safe keeping of all bonds and other securities in the custody of the Treasury, and for clipping and collecting all coupons on bonds owned by the State, for all sales and redemptions of State bonds, and for all purchases of bonds and other securities for investments approved by the State Tax Board.

Sec. 17. Division of Accounts. The Division of Accounts shall be responsible for keeping the general ledger, the fund ledger, the bond ledger, the depository bank ledger, and any major accounting records of the Bureau.

Sec. 18. Borrowing Between Funds. Any surplus moneys of any fund, except as otherwise provided herein, may be used to purchase any bonds or notes of the State under the same conditions and subject to the same restrictions as money borrowed from any other source. No borrowing, or transfer, of moneys between funds, or use of the moneys of any fund for the purpose of another fund, shall be exercised or permitted, otherwise than in accordance with this section, except as expressly provided herein.

Sec. 19. Designation of Depositories. Applications for deposits of State moneys shall be received separately for active and inactive accounts. Each application shall specify the net rate or rates of interest which the bidding bank proposes to pay on the average daily balances of deposits, without charges or deductions, and the amount of money that will be accepted for deposit at the proposed rate. Each bidder may specify two or more rates for each active and each inactive account, each successive rate being applicable to any excess of deposits over the maximum amount specified for the next higher rate. The bids of

banks qualified under the provisions of law, and the rules of the department, for designation as State depositories shall be listed in the descending order of the rates of interest offered, with the amount of money that will be accepted for deposit and for which the bank is eligible, at each rate, for active and inactive accounts, the bids being listed separately, and with the approval of the State Tax Board, the banks so listed shall be designated as State depositories in descending order, for the amounts, and at the rates of interest so specified.

Sec. 20. Deposits and Transfers. The State Treasurer in making deposits and by transfers between depositories, shall give preference as to either class of accounts, active or inactive, to the accounts for which the highest rates of interest are payable, depositing any surpluses over the amounts receivable at such rates to the accounts offering the next lower rates, provided that no more than forty per centum of the State's moneys on deposit at any time shall be allowed to remain on deposit with any one depository. If two or more bidders offer the same rate, any amounts to be deposited at such rate shall be divided equally between them or as nearly so as may be practicable. The list of bidders shall be revised by the securing of new bids at least annually and as much oftener as the Treasury may elect.

Article 2. Division of Agriculture and Livestock Administration.

Section 1. A Division of Agriculture and Livestock Administration, hereinafter called "Division" is hereby created. The Division shall be conducted under the general control of an executive officer to be known as the director, who shall be appointed by the chairman of the following boards: Board of Managers of the Texas Agricultural and Mechanical College; Board of Managers of the Texas Technological College and the State Board of Control. The director shall be a graduate of an agricultural college of recognized standing. His main office shall be established at Austin, Texas.

There shall be established at the seat of the Agricultural and Mechanical College and at the seat of the Texas Technological College a branch

office of the Division of Agriculture and Livestock Administration, each to be in charge of a chief assistant director.

Among other things, it shall be the duty of the director and assistant directors to coordinate the various agricultural and livestock interests of Texas as these interests affect the various sections of the State and for the betterment and improvement of said interests as they affect the entire State.

The Commissioner of Agriculture, under Article 47, Revised Civil Statutes, 1925, in office when this Act takes effect shall continue in office as the Commissioner of Agriculture provided herein until the expiration of the term of office for which he was elected, or until his office is otherwise vacated, but his successor shall be appointed under the provisions of this Act.

Sec. 2. For the purpose of administration, the Commissioner of Agriculture in office at the time of passage of this Act shall organize the Division of Agriculture and Livestock Administration in such manner as, with advice and approval of the president of the Texas Agricultural and Mechanical College and the Texas Technological College, shall be deemed necessary to the conduct of the work of the Division. As first organized hereunder, the Division shall include a Bureau of Animal Industry, Bureau of Plant Industry, Bureau of Market, Bureau of Weights and Measures, and Bureau of Feed and Fertilizer Control.

It shall be the duty of the director and his chief assistants to so organize the Division and coordinate the activities as to bring about better and more effective operation of the agricultural and livestock work of the various tax supported educational institutions of Texas.

The Director of the Bureau of Animal Industry shall be a graduate in veterinary medicine from an institution of recognized standing, licensed to practice in this State, and shall have had not less than eight years of practical experience as a veterinarian, of which four years shall have involved administrative responsibility in animal disease control work, or any equivalent combination of education and experience. The chairman of the Livestock Sani-

tary Commission, in office when this Act takes effect, shall continue in office as the Director of the Bureau of Animal Industry provided hereunder until the expiration of the term of office for which he was appointed, or until the office is otherwise vacated but his successor shall be appointed under the provisions of this Act.

The Director of the Bureau of Plant Industry shall be a graduate of a school of agriculture of recognized standing and shall have had four years experience in plant disease control work, or any equivalent combination of education and experience.

Sec. 3. Powers Transferred to the Division. The Division as herein created, shall succeed to and is hereby vested with all duties, powers, purposes, responsibilities and jurisdiction of the Commissioner of Agriculture, of the Live Stock Sanitary Commission of the State of Texas, of the State Seed and Plant Board, of the Cotton Board, of the Pink Bollworm Commission, of the Compensation Claims Board, of the director of the Texas Agricultural Experiment Station in the enforcement of the laws relating to feeding stuff, of the State Chemist of Texas Agricultural Experiment Station in the enforcement of the laws relating to commercial fertilizer, of the State Entomologist, of the Texas Agricultural Experiment Station in the enforcement of the laws relating to contagious or infectious diseases of honey bees, of the extension service of the Agricultural and Mechanical College in the control of rodents, and of all of the several officers, deputies, and employees of such agencies that have heretofore administered any agricultural regulatory laws connected with any of the offices herein mentioned; and by the provisions of any statutes or any law now in force, or that may hereafter be enacted as a duty or jurisdiction imposed or authority conferred upon any of the said agencies, offices, deputies or employees or upon any other person and any statute of enforcement, shall be transferred to this division. Such duties, jurisdiction and authority are hereby imposed upon and transferred to the Division, and the appropriate officers thereof, with the same force and effect as though the title of said

Division had been specifically set forth and named therein in lieu of the name of any such board, commission, officers, deputies, or employees thereof, as the case may be. Said bodies and officers, the duties, powers, purposes and responsibilities of which are so transferred to and vested in the Division and the possession of all offices, deputies and employees thereunder, all and each of them, is hereby abolished and shall have no further legal existence. But the statutes and laws under which they existed, and all laws prescribing their duties, powers, purposes, responsibilities, and jurisdiction, together with all lawful rules and regulations established thereunder, are hereby expressly continued in force.

Sec. 4. The Division shall also be in possession and control of all records, books, papers, office equipment, supplies, moneys, funds, appropriations, lands, or other property, real or personal, now or hereafter held for the benefit and use of said bodies, offices and officers.

Sec. 5. The Division is hereby invested with the power and is charged with the duty of administering and enforcing all laws and amendments thereto in relation to agriculture as provided for in the Revised Civil Statutes of 1925 as follows:

Title 4. Chapter 1, Statute creating the Department of Agriculture, 1907.

Chapter 2, Plant breeder examiners, as amended.

Chapter 3, Pink bollworm.

Chapter 4, Agricultural seeds.

Chapter 5, Commercial fertilizers.

Chapter 6, Fruits and vegetables, standard containers.

Chapter 7, Nursery stock inspection.

Chapter 7-A, Plant diseases and pest control.

Title 17. Bees, foul brood inspection, with duties are transferred from the Agricultural Experiment Station of the Agricultural and Mechanical College of Texas to the Department of Agriculture.

Title 93. Chapter 1, Markets and warehouses.

Chapter 5, Ginners and cotton.

Chapter 6, Public weighers.

Chapter 7, Weights and measures.

Chapter 8, Marketing associations.

Title 60. Feedstuffs.

Title 120. Chapter 8, Livestock Sanitary Commission.

Provided that in the enforcement of these laws the Division may enter into a contract with the Agricultural and Mechanical College of Texas or with the University of Texas for the making of laboratory analysis in connection with the enforcement of any of these laws, or any other law which it may hereafter be directed to enforce.

Sec. 6. It is the purpose of this Act definitely to clarify the lines of demarcation between regulatory service and educational service in any or all matters relating to agriculture, live stock, and dairying, definitely vesting in the Division herein created, the rights, powers, and duties to have complete charge and enforcement of all existing regulatory acts affecting agriculture, live stock and dairying, and vesting in educational institutions, all rights and privileges relating to agricultural research or education. It is hereby declared to be the policy of the Legislature by this Act that any laws hereafter enacted shall recognize and so allocate administrative functions as that such lines of demarcation shall be definitely observed.

It is the intention of this Act that each and every power, duty or function that is purely regulatory, whether or not it is expressly named herein, that may be at this time vested in the now existing Department of Agriculture, shall remain in full force and effect as a function of said Division, except such functions as are transferred by this Act to the Department of Banking.

It is further declared to be the intention of this Act that such duties as are regulatory, whether or not expressly named herein, are related to agriculture, live stock, and dairying, that may now be vested in any commission, board, institution, or department shall be transferred from such commission, board, institution, or department to and be vested in the Division, except the regulation of production and sale of milk and milk products for the protection of the public health, which shall continue as a duty of the Department of Public Health.

Sec. 7. Expenditures of Division. From and after the time this Act

takes effect, the Division shall be, and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the State Treasury then remaining or made available by law for the administration of which is committed to the Division, for the use, support, and/or maintenance of any board, commission, office or officer, that is abolished by the provisions of this Act, and all duties, powers, and functions are by the provisions of this Act transferred to and conferred upon the Division. Such expenditures by the Division shall be made in accordance with the law in carrying on the work for which such appropriations were made or such special funds created.

Article 3. Department of Forests, Fish and Game.

Section 1. Functions. All functions heretofore vested in the Game, Fish and Oyster Commission, and in the State Parks Board, are hereby transferred to and vested in the Department of Forests, Fish and Game, except as otherwise provided herein.

Sec. 2. Head of the Department. The head of the Department of Forests, Fish and Game shall be the Commissioner of Forests, Fish and Game, who shall be appointed by the Governor in the manner herein provided. He shall have had eight years of experience in a responsible administrative capacity, preferably in the protection and conservation of wild life.

Sec. 3. Organization of the Department. The Department of Forests, Fish and Game shall consist of a Board of Forests, Fish and Game, and as first organized hereunder, the bureaus of forestry, game propagation and control, fish and game protection, hatcheries, coastal operations, water protection and administration.

Sec. 4. Board of Forests, Fish and Game. The Board of Forests, Fish and Game shall consist of six members, of whom two members shall be appointed by the Governor every two years for a term of six years, in the manner provided herein, after the Board is first constituted. The members of the Game, Fish and Oyster Commission in office when this Act takes effect shall continue in office as members of the Board of Forests, Fish and Game provided for herein, until the expira-

tion of the respective terms of office for which they were appointed, or until their offices are otherwise vacated, but their successors shall be appointed under the provisions of this Act.

Sec. 5. Bureau of Forestry. The Bureau of Forestry shall consist of the State Forest Service as heretofore constituted. The head of this Bureau shall be the State Forester, who shall be qualified by graduation in forestry from an accredited institution and four years of professional experience in forestry.

Sec. 6. Bureau of Water Protection. To the Bureau of Water Protection shall be assigned such functions of the Department as relate to the control of pollution of streams and public waters of the State to insure the preservation of fish and marine life, heretofore exercised by the Division of Natural Resources, and the Division of Sand, Shell and Gravel of the Game, Fish and Oyster Commission.

Sec. 7. Bureau of Game Propagation and Control. To the Bureau of Game Propagation and Control shall be assigned such functions of the Department as relate to the stocking of hunting and game preserves, the protection of such preserves from trespass, the examination of proposed habitats for stocking with game, and the destruction and control of predatory animals. The head of the Bureau shall be a superintendent of game who shall have graduated from an institution of recognized standing with specialization in the natural sciences and have had five years in biological survey or other field work relating to the wild animal life and habits, or be qualified by some equivalent combination of education and experience.

Sec. 8. Bureau of Fish and Game Protection. To the Bureau of Fish and Game Protection shall be assigned the functions of the Department heretofore exercised by the Division of Law Enforcement of the Game, Fish and Oyster Commission. The head of the Bureau shall be a chief game warden who shall be qualified by five years of experience in the enforcement of fish and game laws and the protection of wild life. For the purposes of this Bureau there shall be a systematic division of the State into not more than twenty-five warden districts, each in charge of a district game warden.

Sec. 9. Bureau of Hatcheries. To the Bureau of Hatcheries shall be assigned the functions of the Department heretofore exercised by the Division of Hatcheries of the Game, Fish and Oyster Commission. The head of this Bureau shall be a superintendent of Hatcheries who shall be a qualified fish culturist with five years of practical experience in hatchery supervision.

Sec. 10. Bureau of Coastal Operations. To the Bureau of Coastal Operations shall be assigned the functions of the Department heretofore exercised by the Division of Coastal Operations of the Game, Fish and Oyster Commission.

Article 4. Department of Water Supply and Reclamation.

Section 1. Functions. All functions heretofore vested in the State Board of Water Engineers, the State Reclamation Department, the Palo Pinto Park and Flood Control Commission, and the Rio Grande Compact Commissioner for Texas, are hereby transferred to and vested in the Department of Water Supply and Reclamation, except as otherwise provided herein.

Sec. 2. Head of the Department. The head of the Department shall be the Commissioner of Water Supply and Reclamation, who shall be appointed by the Governor in the manner provided herein. The qualifications of the Commissioner shall include graduation in civil engineering from an institution of recognized standing with specialization in hydraulic engineering, and not less than eight years of responsible experience involving hydraulic engineering. The Commissioner of Water Supply and Reclamation, or his representative designated by him therefor, shall serve ex-officio as the Texas representative on the Tri-State Rio Grande Compact Committee, and engineering and clerical services shall be furnished therefor under his direction by the Department as required.

Sec. 3. Organization of the Department. The Department shall consist of the Board of Water Engineers and, as first organized hereunder, the bureaus of administration, water supply, and reclamation. So far as practicable, the technical field work shall be provided for by cooperative arrangement with the United States Geological Survey.

Sec. 4. Board of Water Engineers. The Board of Water Engineers shall consist of three members who shall have such technical knowledge and such practical experience and skill as shall fit them for the duties assigned to the Board. They shall be appointed by the Governor, one every two years for a term of six years, after the Board is first constituted, in the manner provided in this Act. The members of the Board of Water Engineers in office when this Act takes effect shall continue in office as members of the Board of Water Engineers herein provided until the expiration of the respective terms of office for which they were appointed, or until their offices are otherwise vacated, but their successors shall be appointed under the provisions of this Act.

In addition to the powers herein provided for the boards and commissions of the administrative departments, the Board of Water Engineers, shall pass upon applications for the use of water before they may be granted.

Article 5. Department of Labor.

Section 1. Functions. All functions heretofore vested in the Bureau of Labor Statistics and the Commissioner of Labor Statistics, the Industrial Accident Board, the Industrial Commission, the State Mining Board, and the State Mining Inspector are hereby transferred to and vested in the Department of Labor, except as otherwise provided herein.

Sec. 2. Head of the Department: The head of the Department of Labor shall be the Commissioner of Labor, who shall be appointed by the Governor in the manner herein provided. He shall be trained and experienced as an executive in business management involving industrial relations and welfare of employees.

Sec. 3. Organization of the Department: The department shall comprise an Industrial Commission and such bureaus as may from time to time be established in accordance with this Act. As first organized the department shall include the bureaus of labor statistics, factory inspection, mine inspection, industrial safety and hygiene, workmen's compensation and employment. The Commissioner shall provide for the division of the functions hereby vested in the

department, among the several bureaus.

Sec. 4. Industrial Commission: The Industrial Commission shall consist of three members appointed by the Governor, in accordance with this Act, one every two years, for six-year terms. One member, by reason of his vocation, employment, and affiliations, shall be representative of labor, one shall be so representative of employers of labor.

Sec. 5. Arbitration and Conciliation: The Commissioner shall provide in the Bureau of Factory Inspection for the handling of cases involving arbitration and conciliation of industrial disputes. Any such disputes that cannot be so adjusted shall be referred to the Commissioner and may be submitted by him to the Industrial Commission. The Commissioner may constitute special boards representing the interests of the parties and the public in individual cases when other measures of adjustment fail, whose awards shall be subject to the approval of the Commissioner and the Industrial Commission.

Sec. 6. All powers, authority, and duties heretofore conferred upon the Industrial Accident Board, under Title 130 of the Revised Civil Statutes, are hereby transferred to and conferred upon the Commissioner of Labor. Any order, ruling or award made by said Commissioner of Labor, under said Title 130, by virtue of the duties, authority, and powers herein conferred upon him, shall have the same force, effect and finality as if same were made and entered by the Industrial Accident Board, except as hereinafter provided. In the event that any party to any claim or proceeding filed shall be dissatisfied with any such order, ruling, or award of said Commissioner of Labor, it shall be the duty of said Commissioner to refer said action and proceeding to the Industrial Commission herein provided for, which Commission shall proceed in the same manner to make its order, ruling or award upon said action or proceedings in accordance with the provisions of Title 130, Revised Civil Statutes for action or award by the Industrial Accident Board upon claims or proceedings that have been properly filed with

said Industrial Accident Board; and the procedure of the Commission with respect to said claim or proceeding shall be the same as heretofore provided for under the Industrial Accident Board.

Article 6. Department of Banking.

Sec. 1. Functions: The Department of Banking shall consist of the State Banking Department as heretofore constituted and all functions heretofore vested in the State Banking Department and the Banking Commissioner shall be vested in the Department of Banking.

All functions of the State Banking Board are hereby transferred to and vested in the Department of Banking.

All functions vested in the Commissioner of Agriculture in relation to the examination of warehouses, now exercised by the Warehouse Division of the State Department of Agriculture, are hereby transferred to and vested in the Department of Banking.

Sec. 2. Head of the Department: The head of the Department of Banking shall be the Commissioner of Banking who shall be appointed by the Governor in the manner herein provided. He shall be qualified by not less than eight years of responsible experience in bank management or bank examining; and shall be familiar with the State banking laws and with banking practices and procedures, the theory and practice of accounting, and the technique of bank examinations. The Banking Commissioner in office when this Act takes effect shall be the Commissioner of Banking and shall continue to serve as such until the expiration of the term for which he was appointed, or until the office is otherwise vacated, but his successor shall be appointed under the terms of this Act.

Article 7. Department of Insurance.

Section 1. Functions: All functions heretofore vested in the Board of Insurance Commissioners, the Life Insurance Commissioner, the Fire Insurance Commissioner, and the Casualty Insurance Commissioner, are hereby transferred to and vested in the Department of Insur-

ance, except as otherwise provided herein.

Sec. 2. Head of the Department: The head of the Department of Insurance shall be the Commissioner of Insurance who shall be appointed by the Governor in the manner provided in this Act. He shall have had eight years of responsible experience in insurance examination, regulation, or management.

Sec. 3. Organization of the Department: As first organized hereunder, the department shall include an Administration Bureau, an Examination Bureau, an Actuarial Bureau, and a License Bureau. The head of the Examination Bureau shall be a competent insurance examiner, qualified by training and experience in the examination and regulation of insurance companies. The head of the Actuarial Bureau shall be a competent actuary qualified by graduation from a recognized college or university with specialization in mathematics including actuarial science, and five years of responsible experience in actuarial work, or any equivalent combination of education and experience. The head of the Examination Bureau shall have had five years of experience in insurance management, examination, or regulation, of which three years shall have been in a responsible capacity in the examination of insurance companies.

Article 8. General Provisions.

Section 1. Agencies Abolished: The offices and other agencies of the State government hereinafter named are hereby abolished.

The State Tax Board (Intangible Tax Board) composed of the Comptroller of Public Accounts, the Secretary of State, and a Tax Commissioner, and the office of Tax Commissioner of the State of Texas, created by the provisions of Article 7098 of the Revised Civil Statutes of 1925.

The Board of Equalization for Unorganized Counties, consisting of the Governor, Attorney General, and Secretary of State, under the provisions of Article 7231, of the Revised Civil Statutes of 1925.

The State Depository Board, composed of the State Treasurer, the Attorney General, and the Banking

Commissioner of Texas, under the provisions of Article 2525 of the Revised Civil Statutes of 1925.

The Board to Calculate the Ad Valorem Tax Rate, composed of the Governor, the Comptroller of Public Accounts, and the State Treasurer, under the provisions of Article 7041 of the Revised Civil Statutes of 1925.

The Board to Select Auditor for the State Prison System, consisting of the Attorney General, the Treasurer, and Comptroller, under the provisions of Chapter 212 of the General and Special Laws of the Fortieth Legislature.

The Board of Insurance Commissioners composed of the Life Insurance Commissioner, the Fire Insurance Commissioner, and Casualty Insurance Commissioner, under the provisions of Chapter 224 of the General and Special Laws of the Fortieth Legislature.

The Board for Lease of Texas Prison Lands, composed of the Commissioner of General Land Office, the Attorney General, and the Chairman of the Prison Board, created by Chapter 13 of the General Laws of the Fourth and Fifth Called Sessions of the Forty-first Legislature.

The Board for Lease of Eleemosynary and State Memorial Lands, consisting of the Commissioner of the General Land Office, the Attorney General, and the Chairman of the Board of Control, under the provisions of Chapter 32, of the General Laws of the Fourth and Fifth Called Sessions of the Forty-first Legislature.

The State Banking Board, composed of the Attorney General, the Banking Commissioner, and the State Treasurer under the provisions of Article 439 of the Revised Civil Statutes of 1925, as amended by Chapter 12 of the General and Special Laws of the Fortieth Legislature.

The State Parks Board, of five members, under the provisions of Article 6067 of the Revised Civil Statutes of 1925.

The San Jacinto State Park Commissioners, of three members, under the provisions of Article 6072 of the Revised Civil Statutes of 1925.

The Gonzales State Park Commissioners, of three members, under

the provisions of Article 6075 of the Revised Civil Statutes of 1925.

The Washington State Park Commission, of five members, under the provisions of Article 6077 of the Revised Civil Statutes of 1925.

The Goliad State Park Commissioners, of three members, under the provisions of Chapter 31 of the General Laws of the Forty-second Legislature.

The Fannin State Park Board as heretofore existing.

The King's Memorial Park Commission as heretofore existing.

The Palo Pinto Park and Flood Control Commission, composed of the State Board of Water Engineers and the chairman of the State Parks Board, under the provisions of Chapter 30 of the Second and Third Called Sessions of the Forty-first Legislature.

The Department of Agriculture, and the office of Commissioner of Agriculture, provided for in Title 4 of the Revised Civil Statutes of 1925.

The State Seed and Plant Board authorized by Chapter 93 of the First Called Session of the Forty-first Legislature, and theretofore known as the State Board of Plant Breeder Examiners, under the provisions of Article 56 of the Revised Civil Statutes of 1925.

The Pink Bollworm Commission, of five members, under the provisions of Article 77, of the Revised Civil Statutes of 1925.

The Texas Prison Board of nine members, under Chapter 212 of the General and Special Laws of the Fortieth Legislature.

The Board of Pardons and Paroles, of three members, under Article 6203 of the Revised Civil Statutes of 1925, as amended by Chapter 45 of the General and Special Laws of the Forty-first Legislature.

The Commissioner of Labor Statistics under the provisions of Article 5144 of the Revised Civil Statutes of 1925.

The Industrial Accident Board, of three members, under the provisions of Article 8307, of the Revised Civil Statutes of 1925.

The Industrial Commission, of five members, under the provisions of Article 5183 of the Revised Civil Statutes of 1925.

The State Mining Board, of seven

members, under the provisions of Article 5892 of the Revised Civil Statutes of 1925.

The State Mining Inspector, under the provisions of Article 5893 of the Revised Civil Statutes of 1925.

The Livestock Sanitary Commission, of three members, under the provisions of Article 7009 of the Revised Statutes of 1925.

The Commissioner to represent Texas on the Rio Grande Compact Committee, under the provisions of Chapter 9 of the General and Special Laws of the First Called Session of the Forty-first Legislature.

The Alamo Land Acquisition Board, of three members, under the provisions of Chapter 40 of the General Laws of the Second and Third Called Sessions of the Forty-first Legislature.

The Auditor for the State Prison System, under the provisions of Chapter 212 of the General and Special Laws of the Fortieth Legislature.

The Compact Commissioner, to negotiate with the State of New Mexico on School Pact, under the provisions of Chapter 251 of the General Laws of the Forty-second Legislature.

The Compensation Claims Board, of three members, under the provisions of Article 75 of the Revised Civil Statutes of 1925.

The Cotton Board, consisting of the Commissioner of Agriculture and the Banking Commissioner, created by the provisions of Article 5674 of the Revised Civil Statutes of 1925, the office of Commissioner of Markets and Warehouses having been abolished by Chapter 13 of the Acts of the Thirty-ninth Legislature.

The State Board of Examiners (for teachers) composed of not fewer than three members, under the provisions of Article 2877 of the Civil Statutes of 1925.

The Texas Historical Board, of five members, under the provisions of Article 6145 of the Revised Civil Statutes of 1925.

The Board of Managers of the State Iron Industries, composed of the Representative and Senator from that district and a third member appointed by the Lieutenant Governor, under the provisions of Chapter 88 of the General Laws of the Thirty-ninth Legislature.

The Board of Mansion Supervisors, of three members, under the provisions of Chapter 363 of the General Laws of the Forty-second Legislature.

The Game, Fish and Oyster Commission, consisting of six members, created by Chapter 118 of the General and Special Laws of the Forty-first Legislature.

Sec. 2. Laws Repealed. So much of Article 3068 of the Revised Civil Statutes of 1925 as relates to the State Board of Canvassers is hereby repealed, and the functions heretofore vested in such Board shall be exercised by the Governor, the Attorney General, and the Secretary of State, or any two of them. Articles 75, 2605, so much of 3192 as relates to the Dallas State Psychopathic Hospital, 5891, and 7019 of the Revised Civil Statutes of 1925, Chapter 293 of the General and Special Laws of the Fortieth Legislature, Chapter 185 of the General and Special Laws of the Forty-first Legislature, and Chapters 47 and 255 of the General Laws of the Forty-second Legislature, and all other laws and parts of laws and administrative rules and regulations, inconsistent or in conflict with the provisions of this Act are hereby repealed but the added provisions of this Act shall be held to be cumulative of all existing provisions of law relative to the subjects to which it relates not in conflict herewith.

Sec. 3. Violations of Act Punishable as Misdemeanors. Any person who shall violate any provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1000.00) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Sec. 4. Constitutionality. If any part of this Act shall be held to be unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act had such part been omitted.

Sec. 5. The provisions of this Act shall be and become effective on and after September 1, 1935, provided, however, that Articles VI and VII,

creating the Department of Taxation and Revenue, together with all general and special provisions of this Act that apply to the transfer of functions of existing agencies or departments of the government to either or both of the above named departments and all provisions with regard to the organization and operation of either or both of said departments shall be and become effective on and after September 1, 1935. All agencies of the government herein transferred to a different department, effective as of September 1, 1933, are hereby directed to co-operate with the Department of Revenue and Taxation and of Finance and Administrative Service in planning the effectiveness of this Act September 1, 1935.

Sec. 6. The fact that under the existing law there is no coordination of control of State departments, institutions, and other agencies and the further fact that due to the lack of such control, much waste and inefficiency results, and the further fact that the calendar of the Senate is in a crowded condition, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each house and the further constitutional rule as to the time when laws take effect be suspended, and each of them is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

MOORE.

The amendment was read and adopted.

Senators Woodul, Blackert, and Sanderford asked to be recorded as voting "No."

Senator Moore sent up the following amendment:

Amend S. B. No. 204 by striking out all above the enacting clause and insert in lieu thereof the following:

A BILL

To Be Entitled

An Act to reorganize and simplify the organization and operations of certain departments of the State Government to provide for better service and economy; redistributing the powers and duties of certain existing offices, departments, boards, commissions and other

agencies among them; abolishing certain offices, departments, boards, commissions, and other agencies; creating certain other; continuing certain others; transferring certain others; defining the organization, powers and duties of certain offices, departments, boards, commissions, and other agencies that are hereby created or retained and providing for their coordination; fixing terms of office, methods of selection, duties, and qualifications of offices and positions, and providing the methods of fixing the compensation thereof; prescribing methods and procedure to be followed in financial control, purchasing, personnel, taxation, and other matters; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; prescribing penalties; repealing Chapter 293 of the General and Special Laws of the Fortieth Legislature, Chapter 185 of the General and Special Laws of the Forty-first Legislature, Chapter 47, and 255 of the General Laws of the Forty-second Legislature, Articles 75, 2605, 5891, and 7019 of the Revised Civil Statutes of 1925, and all other laws and parts of laws in conflict with the provisions of this Act; and declaring an emergency.

MOORE.

Read and adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 204 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Stone.

Woodruff.	Woodward.
Woodul.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

Read third time and finally passed by the following vote:

Yes—19.

Blackert.	Murphy.
Collie.	Pace.
DeBerry.	Parr.
Duggan.	Poage.
Fellbaum.	Purl.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Woodward.
Moore.	

Nays—8.

Beck.	Sanderford.
Neal.	Stone.
Patton.	Woodruff.
Rawlings.	Woodul.

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

House Bill No. 394.

The Chair laid before the Senate by unanimous consent, the following bill:

H. B. No. 394, A bill to be entitled "An Act to amend Sections 4, 5, 6, and 8 of Chapter 88 of the General Laws of the Forty-first Legislature, Second Called Session, page 172, said sections appearing on pages 175 and 176 of said Acts, and providing for the effective date of this Act."

Read second time.

Senator Woodward sent up the following amendment:

Amend House Bill No. 394 by striking out all of Section 4 and inserting in lieu thereof a new Section 4 to read as follows:

Sec. 4. "Each application filed hereunder for registration or chauffeur's license during January shall be accompanied by the full amount of the annual fee; each application filed after January shall be accompanied by the full amount of the annual fee if the vehicle was operated on the public highways or streets during any portion of January of

that year; each application for re-registration filed during February or any subsequent month shall be accompanied by affidavit that such vehicle has not been previously operated upon the highways of this State during any portion of the current year and shall be accompanied by eleven-twelfths, ten-twelfths, nine-twelfths, eight-twelfths, seven-twelfths, six-twelfths, five-twelfths, four-twelfths, three-twelfths, two-twelfths or one-twelfth, respectively, of the annual fee. This Act shall not apply to such registrations and chauffeur's licenses for the year 1933, but shall be effective from and after January 1, 1934."

WOODWARD.

Read and adopted.

Senator Rawlings sent up the following amendment:

Amend House Bill No. 394 by adding thereto a new section to be known as Section....., to read as follows:

"Section..... That Section 8b, Chapter 88 of the General Laws of the Forty-first Legislature, Second Called Session, be amended so as to hereafter read as follows:

"Section 8b. Provided that no vehicle shall be registered with four wheels, or less, whose gross weight, including load, exceeds 28,000 pounds; that no vehicle shall be registered with six wheels whose gross weight, including load, exceeds 30,000 pounds; (axles of the latter type to be spaced not less than 40 inches apart).

"And provided further that no motor vehicle shall be registered and licensed which has a total outside width, including any load thereon, of more than ninety-six inches, except that the width of a farm-tractor shall not exceed 9 feet, and excepting further, that the limitations as to size of vehicle stated in this Section shall not apply to implements of husbandry and highway building and maintenance machinery temporarily propelled or moved upon the public highway; provided, that a six wheel vehicle whose gross weight is between 26,001 and 30,000 shall be registered at a fee of \$1.60 per cwt. if equipped with pneumatic tires and a fee of \$2.00 per cwt. if equipped with solid tires; provided, further, that said vehicle does not

exceed the axle or wheel weight as provided for by law."

RAWLINGS.

The amendment was read.

Senator Woodul moved to lay the bill and the amendment on the table subject to call. The motion was lost by the following vote:

Yeas—10.

Beck.	Parr.
Blackert.	Patton.
Holbrook.	Russek.
Neal.	Stone.
Pace.	Woodul.

Nays—11.

Collie.	Rawlings.
Duggan.	Regan.
Hornsby.	Sanderford.
Moore.	Woodruff.
Murphy.	Woodward.
Purl.	

Present—Not Voting.

DeBerry.

Absent.

Fellbaum.	Martin.
Hopkins.	Redditt.

Absent—Excused.

Cousins.	Poage.
Greer.	Small.
Oneal.	

The amendment was lost by the following vote:

Yeas—7.

Duggan.	Rawlings.
Hornsby.	Regan.
Murphy.	Sanderford.
Neal.	

Nays—15.

Beck.	Patton.
Blackert.	Purl.
Collie.	Russek.
DeBerry.	Stone.
Holbrook.	Woodruff.
Moore.	Woodul.
Pace.	Woodward.
Parr.	

Absent.

Fellbaum.	Poage.
Hopkins.	Redditt.
Martin.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

The bill failed to pass to third reading by the following vote:

Yeas—7.

Collie.	Regan.
Hornsby.	Sanderford.
Purl.	Woodward.
Rawlings.	

Nays—13.

Beck.	DeBerry.
Blackert.	Duggan.
Moore.	Patton.
Neal.	Russek.
Holbrook.	Stone.
Pace.	Woodruff.
Parr.	

Absent.

Fellbaum.	Martin.
Hopkins.	Redditt.

Absent—Excused.

Cousins.	Small.
Poage.	

(Pairs Recorded.)

Senator Murphy (present) who would vote yea, with Senator Greer (absent) who would vote nay.

Senator Woodul (present) who would vote nay, with Senator Oneal (absent) who would vote yea.

House Bill No. 666.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 666, A bill to be entitled "An Act providing relief for the Agricultural and Mechanical College Substation No. 3, located in Brazoria County, Texas, in order to add necessary repairs, and reconstruct all property and equipment destroyed by the great hurricane which swept over the vicinity of said Substation on August 31, 1932; making an appropriation to said Agricultural and Mechanical Substation No. 3, for said purposes, and creating an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills

to be read on three several days was suspended and H. B. No. 666 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

Read third time and finally passed.

House Bill No. 920.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 920, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in San Augustine and Sabine Counties, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Stone the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 920 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
DeBerry.	Neal.
Duggan.	Pace.
Fellbaum.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.

Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.
Sanderford.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

Read third time and finally passed.

House Bill No. 50.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Clayton, Mr. Hankamer, and Mr. Jackson:

H. B. No. 50, A bill to be entitled "An Act defining the offense of embezzlement by directors, officers, agents, and attorneys at law or in fact, of incorporated companies or institutions, joint stock companies or voluntary associations, or money or property belonging to persons, firms, and corporations, other than the principal or employer of such director, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 50 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

House Bill No. 896.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 896, A bill to be entitled "An Act amending Article 7005, of the Revised Civil Statutes, as amended by Acts of 1931, Forty-second Legislature, page 352, Chapter 360, paragraph 1, including the County of Matagorda, as one of the counties exempt from the provisions of Title 121, from all laws regulating the inspection of hides and animals."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The two committee amendments were adopted.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 896 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
DeBerry.	Neal.
Duggan.	Pace.
Fellbaum.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.

Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.
Sanderford.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

S. S. R. No: 110.

The Chair laid before the Senate: S. S. R. No. 110, Relating to disposal of Texas flags in the Senate. Read and adopted.

House Bill No. 393.

Senator Neal moved to lay H. B. No. 393 on the table subject to call.

The roll call showed no quorum present (19 voting).

Yeas—11.

Duggan.	Patton.
Moore.	Russek.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—8.

Collie.	Rawlings.
DeBerry.	Regan.
Hornsby.	Sanderford.
Purl.	Woodruff.

Absent.

Beck.	Hopkins.
Blackert.	Martin.
Fellbaum.	Poage.
Holbrook.	Redditt.

Absent—Excused.

Cousins.	Oneal.
Greer.	Small.

Recess.

Senator Patton moved to recess until 10 o'clock tomorrow morning.

Senator Murphy moved to recess until 9 o'clock tomorrow morning.

Senator Moore moved to recess until 9:30 o'clock tomorrow morning.

The motion to recess until 10 o'clock prevailed and at 10:33 o'clock p. m., the Senate recessed.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 14 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 560 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 52 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 78

carefully examined and compared,
and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 542
carefully examined and compared,
and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 566
carefully examined and compared,
and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 25, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 531
carefully examined and compared,
and find same correctly enrolled.
GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. C. R. No. 74
carefully examined and compared,
and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. C. R. No. 80
carefully examined and compared,
and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 283
carefully examined and compared,
and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 161
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 111
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 354
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. C. R. No. 77
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 370
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. C. R. No. 81
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 779, A bill to be entitled "An Act to provide for the repurchase of land set apart to build the Capitol that has been recovered by the State and appropriated to the Public Free School Fund, and heretofore purchased from the State, and forfeited or that should be forfeited for non-payment of interest accrued prior to November 1, 1932, the owner of such land or part thereof at the date of forfeiture shall have a preference right for a period of ninety (90) days after the date of notice of revaluation of such land to repurchase the same upon the terms and conditions provided in Chapter 94, page 267, Acts of 1925, as amended by the Acts of 1926, Thirty-ninth Legislature, First Called Session, page 43, Chapter 25; providing the purchase price of the land shall include all unpaid interest to the effective date of this Act; providing no person owing delinquent taxes and interest prior to November 1, 1929, may take advantage of provisions hereof until said taxes and interest are paid; providing settlement on said land shall be a condition for coming within the provisions of this bill; providing any resale of said land shall be with same mineral reservations as the original sale, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, and be printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 4, A bill to be entitled "An Act amending Article 5326, of the 1925 Revised Civil Statutes, providing for forfeiture of Public School Land on non-payment of interest and manner of making forfeiture and for further sale and providing for re-

instatement within one year from date of forfeiture by purchasers or their vendees or their heirs or legal representatives and terms of reinstatement, and providing for enforcing State's right of forfeiture or to recover sums due or any other rights in land."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be printed.

WOODRUFF, Chairman.

Amend H. B. No. 4 by striking out all of lines 29 to 36, inclusive, and that portion of line 37 down to and including the word "occurred" on page 1 of the printed House bill, and inserting in lieu thereof the following, and then amend caption to conform, to-wit:

"Provided that the forfeited owner, his vendee, heirs, legal representatives, or assignees, shall have the exclusive right to purchase such land at any time within twelve months from the date of such forfeiture. Sales to forfeited owners shall in no event be for less than the land was originally sold for, such price to be fixed by the Commissioner of the General Land Office; and when such land is sold to a forfeited owner, his vendee, heirs, legal representatives or assignees, such contract of sale shall provide for the payment in cash, in addition to the purchase price, of all accrued interest and penalties under the forfeited sale. The other terms, conditions and provisions of such sale shall in like manner as is provided by the present laws authorizing and regulating the sale of public free school lands in this State. Where land has heretofore been forfeited for non-payment of interest and the original sale not reinstated and no rights of third parties have intervened, the forfeited owner, his vendee, heirs, legal representatives, or assignees, shall have the exclusive right at any time, within twelve months from the passage of this bill, to purchase such forfeited lands upon the terms and conditions provided for in this Act."

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Pub-

lic Lands and Land Office, to whom was referred

H. B. No. 484, A bill to be entitled "An Act providing for the repeal of Section 4a, Chapter 22, General Laws of the Fifth Called Session of the Forty-first Legislature, being an Act providing for the sale of certain lands in Sabine Lake, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with

committee amendments, and be printed.

WOODRUFF, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 484 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. That Section 4-a, of Chapter 22, of the General Laws of the Fifth Called Session of the Forty-first Legislature, be amended so as to hereafter read as follows:

"It is expressly understood that the authorization of said patent is to enable the financing of a toll road connection between Texas and Louisiana, easterly of the City of Port Arthur, and if said patentee, his heirs, and assigns shall fail to make said road connection within six years from the date of such patent, said patent shall become null and void. Provided further, that in the event of such failure of performance and patent, the said patentee, his heirs, and assigns shall, upon release of all rights, title, and interest to, or in, the involved lands, and showing to this effect to the State Treasurer, be entitled, without suit, to recover from the State Treasurer, out of any unappropriated balance in the General Revenue Fund of the State, the purchase money paid to the State for such lands."

"Sec. 2. The fact that the purchaser of said involved land has paid in full to the Land Commissioner of the State of Texas all of the necessary moneys called for under Chapter 22, of the General Laws of the said Called Session, and the fact that certain provisions of said Section 4-a embarrass the financing of any reclamation project that may be contemplated create an emergency and ne-

cessity, requiring the suspension of the constitutional rule, which requires bills to be read on three several days in each house, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Committee Amendment No. 2.

Amend H. B. No. 484 by striking out all above the enacting clause and inserting in lieu thereof the following:

An Act to amend Section 4-a of Chapter 22 of the General Laws of the Fifth Called Session of the Forty-first Legislature by changing the words "non-toll road" to "toll road" and changing the word "patenter" to "patentee," and providing that in the event of failure of performance and patent, the said patentee, his heirs, and assigns shall, upon release of all rights, title, and interest to, or in, the involved lands, and showing to this effect to the State Treasurer, be entitled, without suit, to recover from the State Treasurer, out of any unappropriated balance in the General Revenue Fund of the State, the purchase money paid to the State for such lands and declaring an emergency.

Committee Room,

Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 832, A bill to be entitled "An Act authorizing the Labor Commissioner to have sole jurisdiction over all ring exhibitions in the State of Texas, with certain exceptions, making said ring exhibitions lawful, and providing for the prescribing of such rules and regulations as are necessary for the administration of boxing; making an appropriation to the Commissioner of Labor Statistics from revenue derived from taxes and fees levied by this Act, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments attached hereto, and be printed.

HOPKINS, Chairman.

Amendment No. 1.

Amend House Bill No. 832, page 3, Section 2, by striking out Section 2 and inserting in lieu thereof a new section as follows:

"Section 2. The Commissioner of the Bureau of Labor Statistics shall deposit with the State Treasurer all monies received by him from license fees under the provisions of this Act, to be held in a separate fund, known as the 'Boxing and Wrestling Enforcement Fund,' and to be used for expenses incurred in supervising, inspecting and regulating all ring exhibitions, including fistic combats or wrestling matches, boxing or sparring contests, or exhibitions for money remuneration, purses or prizes, printing blank licensing forms to be furnished applicants by the Commissioner of Labor Statistics, and the same is hereby appropriated for said purposes; and all such expenditures shall be verified by the person to whom such payments are made and upon the approval of such expenditures by the Commissioner of Labor Statistics, it shall be the duty of the Comptroller of Public Accounts to draw his warrant on the State Treasurer for the amount of such expenditures in favor of the person claiming the same, to be paid out of the 'Boxing and Wrestling Enforcement Fund.' The unexpended balance remaining in said fund at the end of the fiscal year shall be transferred to the General Fund. The Commissioner may appoint, and at pleasure remove, a secretary to the Commissioner, the duties of which secretary shall be to keep, or assist the Commissioner, in keeping, a full and true record of all the proceedings of the Commissioner, to keep, or assist the Commissioner in keeping the books and records in the general office of the Commissioner, and to perform such other duties as the Commissioner may prescribe, the salary of which secretary shall be fifteen hundred dollars (\$1500) per year."

Amendment No. 2.

Amend House Bill No. 832, page 7, Section 6, by striking out after the word "for" in line 6 the word "five" and inserting therefor the word "three."

Committee Room,

Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 949, A bill to be entitled "An Act amending Article 7105, Revised Civil Statutes, 1925, and the amendment thereto contained in Section 12 of House Bill No. 154, Acts of the Forty-third Legislature, and Articles 7107 and 7111, Revised Civil Statutes, 1925, so as to include within the provisions of said Articles, which impose intangible assets tax upon certain persons, associations, corporations, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

HOPKINS, Chairman.

Amend H. B. No. 949 by striking out the words "gas pipe line companies" where same appear in line 7, on page 1, of the caption of the bill; and the words "and/or gas" in line 9, page 1, of the caption of the bill; and further amend said bill by striking out in Section 1, line 23, on page 1, the words "gas pipe line company;" and by striking out of line 1, on page 2, the words "and/or gas;" and further amend said bill by adding after the word "or" in Section 2, on page 4, line 14, the word "oil;" and further amend said H. B. 949 by adding after the word "all" in the second line of Section 4, on page 7, the word "oil;" and amend H. B. 949, Section 6, by adding after the word "operating" in the third line of said Section 6, page 8, the word "oil" and amend H. B. 949 by adding a new section after Section 4, on page 7, to be known as Section 4a, to read as follows:

"Section 4a. The State Tax Commissioner shall be the chief administrative officer of this Act, and shall have full and exclusive power and authority to employ such auditors, counsel and other clerical and stenographic employees as may be necessary for the purpose of adequately and efficiently enforcing, administering and carrying out the provisions of this Act." Amend the cap-

tion of H. B. 949 by adding after the word "state" in line 12, page 1, of the caption, the words "providing for the employment of auditors, counsel, and other clerical and stenographic employees as may be necessary for the adequate enforcement of the provisions of this Act."

Committee Room,

Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 919, An Act making appropriations to pay Miscellaneous Claims.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute do pass in lieu thereof and be not printed (said Committee Substitute being identical with Senate Bill No. 329, as passed by the Senate.)

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 896, A bill to be entitled "An Act amending Article 7005, of the Revised Civil Statutes of Texas as amended by Acts of 1933, Forty-third Legislature, H. B. No. 253, including the Counties of Bailey, Garza, Jim Hogg, Matagorda and Parmer in the list of counties exempt from the provisions of Title 121, and all laws regulating the inspection of hides and animals, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

PARR, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 896, by adding after the word "Matagorda" in the

third line of the caption, the following: "Nueces."

Committee Amendment No. 2.

Amend H. B. No. 896, by adding after the word "Newton" at the end of the fourth line, page 2, the following: "Nueces."

Committee Room,

Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 545, A bill to be entitled "An Act to require the Commissioner of the General Land Office to issue awards and keep the sales of school land surveyed under the provisions of Section 6, Chapter 271, General Laws of the Forty-second Legislature in cases where applications were not filed in the General Land Office within the time required by law."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the bill do not pass and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 941, A bill to be entitled "An Act to amend Chapter 35 of the Acts of the 3rd Called Session of the 42nd Legislature, the same being an act to conserve fish in Angelina, Attoyoc, Sabine and Neches Rivers and their tributaries in certain counties by permitting the use of nets of a certain size in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Final Disposition of Bills.

SUPPLEMENT.

Number of Bill	Date Filed	Vote	
		House	Senate
H. B. No. 934	May 25, 1933 3:00 p. m.	Yeas 104 Nays 0	Yeas 26 Nays 0
S. B. No. 262	May 25, 1933 5:30 p. m.	Yeas 103 Nays 21	Yeas 21 Nays 3
S. B. No. 472	May 25, 1933 5:30 p. m.	Yeas 105 Nays 17	Yeas 27 Nays 1
S. B. No. 429	May 25, 1933 4:10 p. m.	Yeas 109 Nays 2	Yeas 27 Nays 0
S. B. No. 508	May 25, 1933 4:10 p. m.	Passed by viva voce vote	Passed by viva voce vote

W. W. HEATH, Secretary of State.

SEVENTY-FIFTH DAY

(Continued.)

Senate Chamber,
Austin, Texas,
May 27, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Resolution Introduced.

By unanimous consent the Rule relating to the introduction of bills after the first 52 days of the session was suspended and consent was granted to introduce the following resolution:

By Senator Moore:

S. J. R. No. 31, Proposing an amendment to Section 5 of Article 3 and Section 24 of Article 3 of the Constitution of the State of Texas.

Read and referred to Committee on Constitutional Amendments.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 493. S. B. No. 571.
S. B. No. 485. S. B. No. 568.
S. B. No. 539.

Communication Referred.

The Chair laid before the Senate a communication from Hon. Morris Sheppard, relative to certain legislation, which was read and referred to the Committee on Federal Relations.

Motion To Concur.

Senator Small moved to concur in the two House amendments to S. B. No. 532. The motion prevailed by the following vote:

Yeas—21.

Beck.	Rawlings.
Blackert.	Redditt.
Duggan.	Regan.
Greer.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Nays—4.

Collie.	Murphy.
DeBerry.	Purl.

Present—Not Voting.

Martin.

Absent.

Poage.